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HISTORY
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UNITED STATES

FROM THE
DISCOVERY OF THE AMERICAN CONTINENT.

BY GEORGE BANCROFT.

THE TENTH THOUSAND.

VOL. I.

LONDON:
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HISTORY

OF

THE UNITED STATES.

INTRODUCTION.

THE United States of America constitute an essential portion of a great political system, embracing all the civilized nations of the earth. At a period when the force of moral opinion is rapidly increasing, they have the precedence in the practice and the defence of the equal rights of man. The sovereignty of the people is here a conceded axiom, and the laws, established upon that basis, are cherished with faithful patriotism. While the nations of Europe aspire after change, our constitution engages the fond admiration of the people, by which it has been established. Prosperity follows the execution of even justice ; invention is quickened by the freedom of competition ; and labour rewarded with sure and unexampled returns. Domestic peace is maintained without the aid of a military establishment ; public sentiment permits the existence of but few standing troops, and those only along the seaboard and on the frontiers. A gallant navy protects our commerce, which spreads its banners on every sea, and extends its enterprise to every clime. Our diplomatic relations connect us on terms of equality and honest friendship with the chief powers of the world ; while we avoid entangling participation in their intrigues, their passions, and their wars. Our national resources are developed by an earnest culture of the arts of peace. Every man may enjoy the fruits of his industry ; every mind is free to publish its convictions. Our government, by its organization, is necessarily identified with the interests of the people, and relies exclusively on their attachment for its durability and support. Even the enemies of the state, if there are any among us, have liberty to express their opinions undisturbed ; and are safely tolerated, where reason is left free to combat their errors. Nor is the constitution a dead letter, unalterably fixed ; it has the capacity for improvement ; *adopting whatever changes* time and the public *will may require, and safe from decay, so long as that will*

retains its energy. New states are forming in the wilderness canals, intersecting our plains and crossing our highlands, open numerous channels to internal commerce ; manufactures prosper along our water-courses ; the use of steam on our rivers and railroads annihilates distance by the acceleration of speed. Our wealth and population, already giving us a place in the first rank of nations, are so rapidly cumulative, that the former is increased fourfold, and the latter is doubled in every period of twenty-two or twenty-three years. There is no national debt ; the community is opulent ; the government economical ; and the public treasury full. Religion, neither persecuted nor paid by the state, is sustained by the regard for public morals and the convictions of an enlightened faith. Intelligence is diffuse with unparalleled universality ; a free press teems with the choicest productions of all nations and ages. There are more daily journals in the United States than in the world beside. A public document of general interest is, within a month, reproduced in at least a million of copies, and is brought within the reach of every freeman in the country. An immense course of emigrants of the most various lineage is perpetually crowding to our shores ; and the principles of liberty, uniting all interests by the operation of equal laws, blend the discordant elements into harmonious union. Other governments are convulsed by the innovations and reforms of neighbouring states ; our constitution, fixed in the affections of the people, from whose choice it has sprung, neutralizes the influence of foreign principles, and fearlessly opens an asylum to the virtuous, the unfortunate, and the oppressed of every nation.

And yet it is but little more than two centuries since the oldest of our states received its first permanent colony. Before that time the whole territory was an unproductive waste. Throughout its wide extent the arts had not erected a monument. Its only inhabitants were a few scattered tribes of feeble barbarians, destitute of commerce and of political connection. The axe and the ploughshare were unknown. The soil, which had been gathering fertility from the repose of centuries, was lavishing its strength in magnificent but useless vegetation. In the view of civilization the immense domain was a solitude.

It is the object of the present work to explain how the change in the condition of our land has been accomplished ; and, as the fortunes of a nation are not under the control of blind destiny to follow the steps by which a favouring Providence, calling our institutions into being, has conducted the country to its present happiness and glory.

COLONIAL HISTORY.

CHAPTER I.

EARLY VOYAGES.—FRENCH SETTLEMENTS.

THE enterprise of Columbus, the most memorable maritime enterprise in the history of the world, formed between Europe and America the communication which will never cease. The national pride of an Icelandic historian has indeed claimed for his ancestors the glory of having discovered the western hemisphere. It is said that they passed from their own island to Greenland, and were driven by adverse winds from Greenland to the shores of Labrador; that the voyage was often repeated; that the coasts of America were extensively explored, and colonies established on the shores of Nova Scotia or Newfoundland. It is even suggested that these early adventurers anchored near the harbour of Boston, or in the bays of New Jersey; and Danish antiquaries believe that Northmen entered the waters of Rhode Island, inscribed their adventures on the rocks of Taunton River, gave the name of Vinland to the south-east coasts of New England, and explored the inlets of our country as far as Carolina. But the story of the colonization of America by Northmen rests on narratives mythological in form and obscure in meaning; ancient, yet not contemporary. The chief document is an interpolation in the history of Sturleson, whose zealous curiosity could hardly have neglected the discovery of a continent.⁽¹⁾ The geographical details are too vague to

(1) *Antiquitates Americanae*, Hafniæ, 1837. The chief work. Schöningh's ed. of Sturleson, i. 304—325. Thorfæus, *Winlandia Antiqua*. A. de Humboldt, *Examen Critique*, ii. 124, &c. Of American writers, Wheaton's *Northmen*, 29—38; Belknap's *Amer. Biog.* i. 47—58; Moulton's *New York*, i. 110—125; Irving's *Columbus*, iii. 292—300; E. Everett, in *N. A. Review*, xlv. 101—203.

sustain a conjecture ; the accounts of the mild winter and fertile soil are, on any modern hypothesis, fictitious or exaggerated ; the description of the natives applies only to the Esquimaux, inhabitants of hyperborean regions ; the remark which should define the length of the shortest winters day has received interpretations adapted to every latitude from New York to Cape Farewell ; and Vinland has been sought in all directions, from Greenland and the St. Lawrence to Africa.(1) The nation of intrepid mariners, whose voyages extended beyond Iceland and beyond Sicily, could easily have sailed from Greenland to Labrador ; no clear historic evidence establishes the natural probability that they accomplished the passage.

Imagination had conceived the idea, that vast inhabited regions lay unexplored in the west ; and poets had declared that empires beyond the ocean would one day be revealed to the daring navigator.(2) But Columbus deserves the ^{1492.} undivided glory of having realised that belief. During his lifetime he met with no adequate recompense. The self-love of the Spanish monarch was offended at receiving from a foreigner in his employ benefits too vast for requital ; and the contemporaries of the great navigator persecuted the merit which they could not adequately reward. Nor had posterity been mindful to gather into a finished picture the memorials of his career, till the genius of Irving, with candour, liberality, and original research, made a record of his eventful life, and in mild but enduring colours sketched his sombre inflexibility of purpose, his deep religious enthusiasm, and the disinterested magnanimity of his character.

Columbus was a native of Genoa. The commerce of the middle ages, conducted chiefly upon the Mediterranean Sea, had enriched the Italian republics, and had been chiefly engrossed by their citizens. The path for enterprise now lay across the ocean. The states which bordered upon the Atlantic, Spain, Portugal, and England, became competitors for the possession of the New World, and the control of the traffic which its discovery was to call into being ; but the nation which, by long and successful experience, had become deservedly celebrated for its skill in navigation, continued for a season to furnish the most able maritime commanders. Italians had the glory of making

(1) *Antiq. Americanæ*, 289, 291, 296.

(2) *Prescott's Ferdinand and Isabella*, ii. 117. Pulch, c. xxx. st. 220—232.

the discoveries, from which Italy derived no accessions of wealth or power.

In the new career of western adventure, the American continent was first discovered under the auspices of the English, and the coast of the United States by a native (1) of England. In the history of maritime enterprise in the New World, the achievements of John and Sebastian Cabot are, in boldness, success, and results, second only to those of Columbus. The wars of the houses of York and Lancaster had ceased; tranquillity and thrifty industry had been restored by the prudent severity of Henry VII.; the spirit of commercial activity began to be successfully fostered; and the marts of ^{1497.} England were thronged with Lombard adventurers. The fisheries of the north had long tempted the merchants of Bristol to an intercourse with Iceland; (2) and the nautical skill necessary to buffet the storms of the Atlantic, had been acquired in this branch of northern commerce. Nor is it impossible that some uncertain traditions respecting the remote discoveries which Icelanders had made in Greenland towards the north-west, "where the lands (3) did nearest meet," should have excited "firm and pregnant conjectures." The magnificent achievement of Columbus, revealing the wonderful truth, of which the germs may have existed in the imagination of every thoughtful mariner, won the admiration which was due to an enterprise that seemed more divine than human, and kindled in the breasts of the emulous a vehement desire to gain as signal (4) renown in the same career of daring; while the politic king of England desired to share in the large returns which were promised by maritime adventure. It was, therefore, not difficult for John Cabot, a Venetian merchant residing at Bristol, to engage Henry VII. in plans for discovery. He obtained from that monarch a patent, (5) empowering himself and his three sons, or either of them, their heirs, or their deputies, to sail into

(1) *History of the Travayles in the East and West Indies*, by R. Eden and E. Wiles, 1577, fol. 267, "Sebastian Cabot tolde me, that he was borne in Brystow," &c.

(2) Selden, *Mare Clausum*, b. ii. c. 32.

(3) Bacon's *Hist. of Henry VII.*

(4) Conversation respecting Seb. Cabot, reported in Ramusio, *Discorso sopra li Viaggi delle Spetierie*, i. fol. 402, ed. 1554. Hak. iii. 28. Hakluyt's reference to Ramusio is wrong. The passage from Ramusio is also in Eden's *Travayles*, ed. 1577, fol. 267.—De Thou, *Hist.* i. xlv.

(5) See the patent in Hakluyt, iii. 25, 26; Chalmers's *Polit. Annals*, 7, 8; Hazard's *Hist. Coll.* i. 9.

the eastern, western, or northern sea, with a fleet of five ships, at their own proper expense and charges, to search for islands, countries, provinces, or regions, hitherto unseen by Christian people; to affix the banners of England on any city, island, or continent, that they might find; and, as vassals of the English crown, to possess and occupy the territories that might be discovered. It was further stipulated in this "most ancient American state paper of England," (1) that the patentees should be strictly bound in their voyages to land at the port of Bristol, and to pay to the king one-fifth part of the emoluments of the navigation; while the exclusive right of frequenting all the countries that might be found was reserved, unconditionally and without limit of time, to the family of the Cabots and their assigns. Under this patent, containing the worst features of colonial monopoly and commercial restriction, John Cabot (2) and his celebrated son Sebastian embarked for the west. Of what tempests they encountered, what mutinies they calmed, no record has been preserved. The discovery of the American continent, (3) probably in the latitude of 56 degrees, far, therefore, to the north¹⁴⁹⁷ of the Straits of Belle Isle, among the Polar bears, the rude savages, and the dismal cliffs of Labrador, was the fruit of the voyage.

It has been attempted to deprive the father of the glory of having led the expedition. The surest documentary evidence confirms his claims. He and his son Sebastian first approached the continent, which no European had dared to visit, or had known to exist. The navigators hastened homewards to announce their success. Thus the discovery of our continent was an exploit of private mercantile adventure; and the possession of the new-found "land and isles" was a right vested by an exclusive patent in the family of a Bristol merchant. Yet the Cabots derived little benefit from the expedition, which their genius had suggested, and of which they alone had defrayed the expense. Posterity hardly remembered, that they had reached the American continent nearly fourteen

(1) Chalmers, 7.

(2) Second patent to John Cabot, of Feb. 3, 1498, first printed in R. Biddle's Memoir of Sebastian Cabot, 75. The extract from the map of Sebastian Cabot is equally explicit. Hakluyt, iii. 27.

(3) Extract from Cabot's map, in Hakluyt, i. 27. Ramusio sopra li viaggi, &c. i. fol. 402. The map of Ortelius, in his *Theatrum Orbis Terrarum*, gives the island St. John in latitude 56 degrees. The work of Ortelius, in the editions of 1584 and of 1592, is at Cambridge.

months before Columbus, on his third voyage, came ¹⁴⁹⁸ in sight of the main land; and almost two years ¹⁴⁹⁹ before Amerigo Vespucci sailed west of the Canaries. But England acquired through their energy such a right to North America, as this indisputable priority could confer. Henry VII. and his successors recognized the claims of Spain and Portugal, only so far as they actually occupied the territories to which they laid pretension; and, at a later date, the English parliament and the English courts derided a title, founded, not upon occupancy, but upon a grant from the Roman pontiff.⁽¹⁾

Confidence and zeal awakened; and Henry grew ¹⁴⁹⁸ circumspect in the concession of rights, which now seemed about to become of immense value. A new patent⁽²⁾ was issued to John Cabot, less ample in the privileges which it conferred; and his son Sebastian, a native of Bristol, a youthful adventurer of great benevolence and courtesy, daring in conception and patient in execution, a man whose active mind for more than half a century was employed in guiding the commercial enterprise which the nations of the west were developing, and whose extraordinary merits have been recently vindicated with ingenious and successful diligence, pursued the paths of discovery which he, with his father, had opened. A voyage was again undertaken; purposes of traffic were connected with it; and the frugal king was himself a partner⁽³⁾ in the expenditure. The object of this new expedition was, in part, to explore "what manner of landes⁽⁴⁾ those Indies were to inhabit:" and perhaps, also, a hope was entertained of reaching the rich empire of Cathay. Embarking in May, Sebastian Cabot, with a company of three hundred men, sailed for Labrador, by way of Iceland, and reached the continent in the latitude of fifty-eight degrees. The severity of the cold, the strangeness of the unknown land, and his declared pur-

(1) Debates of the House of Commons, 1620 and 1621, i. 250, 251.

(2) Stow's Chronicle, 1498, in Hakluyt, iii. 30, 31. Memoir of Cabot, 75 and 80—86.

(3) Memoir of Seb. Cabot, 85.

(4) Peter Martyr, of Anghiera, d. iii. l. vi. Also in Eden, fol. 124, 125, and in Hakluyt, v. 283, and Hakluyt, iii. 29, 30. Gomara, *Historia de las Indias*, c. xxxix. The passage is quoted in Eden and Willes, fol. 228, and less perfectly in Hakluyt, iii. 30. Herrera, d. i. l. vi. c. xvi. is confused. Compare also the conversation in Ramusio, where we must suppose that the narrator confounds this with the preceding voyage. Ramusio, l. fol. 402, or Eden and Willes, fol. 267. I am indebted for the use of Ramusio, and of many other valuable works, to E. Everett, of Charlestown.

pose of exploring the country, induced him to turn to the south; and, having proceeded along the shores of the United States to the southern boundary of Maryland,(1) or perhaps to the latitude of Albemarle Sound,(2) want of provisions hastened his return to England.

Curiosity desires to trace the further career of the great seaman, who, with his father, gave a continent to England. The maps which he sketched of his discoveries, and the accounts which he wrote of his adventures, have perished, and the history of the next years of his life is involved in obscurity. Yet it does not admit of a reasonable doubt, that, perhaps in 1517,(3) after he had been in the employment of Ferdinand of Spain, and before he received the appointment of Pilot-Major from Charles V., he sailed once more from England to discover the North-Western passage. The testimony respecting this expedition is confused and difficult of explanation; the circumstances which attended it are variously related, and are assigned to other and earlier voyages. A connected and probable account can be given only by comparing the evidence, and extracting the several incidents from different and contradictory narratives. Yet the main fact is indisputable; Sebastian Cabot passed through the straits and entered the bay,(4) which, after the lapse of nearly a century, took their name from Hudson. He himself wrote a "discourse of navigation," in which the entrance of the strait was laid down with great precision "on a card, drawn by his own hand." (5) He boldly prosecuted his design, making his way through regions, into which it was, long afterwards, esteemed an act of the most intrepid maritime adventure to penetrate, till, on June the eleventh, as we are informed from a letter written by the navigator himself, he had attained the altitude of sixty-seven and a half

(1) Gomara. Treinta i ocho Grados.

(2) Peter Martyr. Ut. Herculei freti latitudinis fere gradus equarit, &c.

(3) See Eden, in Mem. of Cabot, 102, and Thorne's letter, ib. 103. Compare chaps xiii. xiv. and xv. of the Memoir. The account in Hakluyt, iii. 591, 592, may give the date of the voyage correctly; but then there must be a gross mistake as to its destination. Peter Martyr, d. iii. c. v. merits regard. Expectat indies, ut navigia sibi parentur, quibus arcanum hoc naturæ latens jam tandem detegatur. Martis mense anni futuri mdxv. puto ad explorandum discessurum. Failing to sail from Spain, Cabot went to England.

(4) Anderson was the first of the later writers to mention the fact. *History of Commerce*, An. 1496.

(5) *Ortelius, Map of America* in *Theatrum Orbis Terrarum*. Eden and Wiles, fol. 223. Sir H. Gilbert, in Hakluyt, iii. 49, 50.

degrees,(1) ever in the hope of finding a passage into the Indian ocean. The sea was still open; but the cowardice of a naval officer, and the mutiny of the mariners, compelled him to return, though his own confidence in the possibility of effecting the passage remained unimpaired.

The career of Sebastian Cabot was in the issue as honourable, as it had in the opening been glorious. He conciliated universal regard by the placid mildness of his character. Without the stern enthusiasm of Columbus, he was distinguished by serene contentment. For nearly sixty years, during a period when marine adventure engaged the most intense public curiosity, he was revered for his achievements and his skill. He had attended the congress,(2) which assembled at Badajoz to divide the

islands of the Moluccas between Portugal and Spain; 1526. he subsequently sailed to South America, under the auspices of Charles V., though not with entire success.(3)

On his return to his native land, he advanced the commerce of England by opposing a mercantile monopoly, and was pensioned and rewarded for his merits as the

Great Seaman.(4) It was he who framed the instructions for the expedition which discovered the passage to Archangel.(5) He lived to an extreme old age; and so

loved his profession to the last, that in the hour of 1553. death his wandering thoughts were upon the ocean.(6)

The discoverer of the territory of our country was one of the most extraordinary men of his age: there is deep cause for regret, that time has spared so few memorials of his career. Himself incapable of jealousy, he did not escape detraction.(7) He gave England a continent, and no one knows his burial-place.

It was after long solicitations, that Columbus had obtained the opportunity of discovery. Upon the certainty of success, a throng of adventurers eagerly engaged in voyages, to explore the New World, or to plunder its inhabitants. The king of Portugal, grieved at having

(1) *Discorso del Ramusio sopra il terzo volume, &c.*

(2) *Eden's Travayles*, fol. 449.

(3) *Eden's Travayles*, fol. 226. *Herrera*, d. iii. l. ix. c. iii. Compare *Herrera*, d. iii. l. x. c. i. near the close of the chapter. The Spaniard praises but sparingly the great navigator who had rendered more important services to England than to Spain.

(4) *Hazard*, i. 23. *Memoir of Cabot*, 185.

(5) *Hakluyt*, i. 251—255. *Purchas's Pilgrims*, i. 915.

(6) *Memoir of Cabot*, 219.

(7) *Peter Martyr*, d. iii. l. vi.; in *Eden*, fol. 125.

neglected Columbus, readily favoured an expedition for 1500. northern discovery. Gaspard Cortereal(1) was ap- 1501. pointed commander of the enterprise. He reached the shores of North America, ranged the coast for a distance of six or seven hundred miles, and carefully observed the country and its inhabitants. The most northern point(2) which he attained was probably about the fiftieth degree. Of the country along which he sailed, he had occasion to admire the brilliant freshness of the verdure, and the density of the stately forests. The pines, well adapted for masts and yards, promised to become an object of gainful commerce. But men were already with the Portuguese an established article of traffic; the inhabitants of the American coast seemed well fitted for labour; and Cortereal freighted his ships with more than fifty Indians, whom, on his return, he sold as slaves. It was soon resolved to renew the expedition; but the adventurer never returned. His death was ascribed to a combat with the natives, whom he desired to kidnap; the name of Labrador, transferred to a more northern coast, is, probably, a memorial of his crime;(3) and is, perhaps, the only permanent trace of Portuguese adventure within the limits of North America.

The French entered without delay into the competition for the commerce and the soil of America. Within seven 1504. years of the discovery of the continent, the fisheries of Newfoundland were known to the hardy mariners of Brittany and Normandy.(4) The island of Cape Breton acquired its name from their remembrance of home, and in France it was usual to esteem them the discoverers of the country.(5) A map of the Gulf of Saint Lawrence 1506. was drawn by Denys,(6) a citizen of Honfleur; and the fishermen of the north-west of France derived wealth

(1) See the leading document on the voyage of Cortereal, in a letter from Pietro Pasqualigo, Venetian ambassador in Portugal, written to his brother, October 19, 1501, in *Paesi novamente ritrovati et Novo Mondo da Alberico Vesputio Florentino intitolato*. L. vi. c. cxxv. The original and the French translation are both in the library of Harvard College.

(2) Herrera, d. i. l. vi. c. xvi. Gomara, c. xxxvii. Also in Eden, fol. 257. Galvano, in Hakluyt, iv. 419. Purchas, i. 915, 916. Memoir of Cabot, b. ii. c. iii. and iv.

(3) Memoir of Cabot, 242. Navarette, *Viages Menores*, iii. 43, 44.

(4) Charlevoix, *Hist. Gen. de la Nouv. Fr.* i. 3, edition of 1744, 4to.; Champlain's *Voyages*, i. 9. Navarette, &c. iii. 176—180, argues against the statement in the text. Compare Memoir of Cabot, 316.

(5) Verrazzani, in Hakluyt, iii. 263.

(6) Charlevoix, i. 3. and 4. *Mémoire sur les Limites de l'Acadie*, 104—a good historic outline.

from the regions, which, it was reluctantly confessed, had been first visited by the Cabots.

The fisheries had for some years been successfully pursued; savages from the north-eastern coast had been brought to France; (1) plans of colonization in North America had been suggested by De Lery and Saint Just; (2) when at length Francis I., a monarch who had invited Da Vinci and Cellini to transplant the fine arts into his kingdom, employed John Verrazzani, another Florentine, to explore the new regions, which had alike excited curiosity and hope. It was by way of the isle of Madeira, that the Italian, parting from a fleet which had cruised successfully along the shores of Spain, sailed for America, (3) with a single caravel, resolute to make discovery of new countries. The *Dolphin*, though it had "the good hap of a fortunate name," was overtaken by as terrible a tempest as mariners ever encountered; and fifty days elapsed before the continent appeared in view. At length, in the latitude of Wilmington, (4) Verrazzani could congratulate himself on beholding land which had never been seen by any European. But no convenient harbour was found, though the search extended fifty leagues to the south. Returning towards the north, he cast anchor on the coast; all the shore was shoal, but free from rocks, and covered with fine sand; the country was flat. It was the coast of North Carolina. Mutual was the wonder of the inquisitive foreigners, and the mild and feeble natives. The russet colour of the Indians seemed like the complexion of the Saracens; their dress was of skins; their ornaments garlands of feathers. They welcomed with hospitality the strangers whom they had not yet learned to fear. As the *Dolphin* ploughed its way to the north, the country seemed more inviting; it was thought that imagination could not conceive of more delightful fields and forests; the groves, redolent with fragrance, spread their perfumes far from the shore, and gave promise of the spices of the East. The mania of the times raged among the crew; in their eyes the colour of

(1) Charlevoix, N. F. i. 4.

(2) L'Escarbot, 21. Mémoires, &c. 104.

(3) See Verrazzani's letter to Francis I. from Dieppe, July 8, 1524, in Hakluyt, iii. 357—364, or in N. Y. Hist. Coll. i. 45—60. It is also in Ramusio. Compare Charlevoix, N. F. i. 5—8.

(4) S. Miller, in N. Y. Hist. Coll. i. 23. In the Libreria Stroziana in Florence, there is a copious manuscript account of Verrazzani's voyage and discoveries. Tiraboschi, vii. 261, 262.

the earth argued an abundance of gold. The savages were more humane than their guests. A young sailor, who had nearly been drowned, was revived by the courtesy of the natives; the voyagers robbed a mother of her child, and attempted to kidnap a young woman. Such crimes can be prompted even by the feeble passion of curiosity, and the desire to gratify a vulgar wonder.

The harbour of New York especially attracted notice, for its great convenience and pleasantness; the eyes of the covetous could discern mineral wealth in the hills of New Jersey.(1)

In the spacious haven of Newport, Verrazzani remained for fifteen days. The natives were "the goodliest people" that he had found in the whole voyage. They were liberal and friendly; yet so ignorant, that, though instruments of steel and iron were often exhibited, they did not form a conception of their use, nor learn to covet their possession.(2)

Leaving the waters of Rhode Island, the persevering mariner sailed along the whole coast of New England to Nova Scotia, till he approached the latitude of fifty degrees. The natives of the more northern region were hostile and jealous; it was impossible to conciliate their confidence; they were willing to traffic, for they had learned the use of iron; but in their exchanges they demanded knives and weapons of steel. Perhaps this coast had been visited for slaves; its inhabitants had become wise enough to dread the vices of Europeans.

In July Verrazzani was once more in France. His own narrative of the voyage is the earliest original account, now extant, of the coast of the United States. He advanced the knowledge of the country; and he gave to France some claim to an extensive territory, on the pretext of discovery.(3)

The historians of maritime adventure agree, that Verrazzani again embarked upon an expedition, from which, 1525. it is usually added, he never returned. Did he sail once more under the auspices of France?(4) When the monarch had just lost every thing but honour in the disastrous

(1) Hakluyt, iii. 360, 361. N. Y. Hist. Coll. i. 52, 53. Moulton's New York, i. 138, 139.

(2) Hakluyt, iii. 361. Moulton's New York, i. 147, 148. Miller, in N. Y. Hist. Coll. i. 25. Belknap's Am. Biog. i. 33.

(3) Chalmers's Annals, 512. Harris's Voyages, ii. 348, 349.

(4) Charlevoix, Nouv. Fr. i. 7, 8.

battle of Pavia, is it probable that the impoverished government could have sent forth another expedition? Did he relinquish the service of France for that of England? It is hardly a safe conjecture that he was ^{1527.} murdered in an encounter with savages, while on a voyage of discovery which Henry VIII. had favoured. (1) Hakluyt asserts that Verrazzani was thrice on the coast of America, and that he gave a map of it to the English monarch. (2) It is the common tradition that he perished at sea, having been engaged in an expedition of which no tidings were ever heard. Such a report might easily be spread respecting a great navigator who had disappeared from the public view; and the rumour might be adopted by an incautious historian. It is probable that Verrazzani had only retired from the fatigues of the life of a mariner; and, while others believed him buried in the ocean, he may ^{1537.} have long enjoyed at Rome the friendship of men of letters, with the delights of tranquil employment. (3) Yet such is the obscurity of the accounts respecting his life, that certainty cannot be established. (4)

But the misfortunes of the French monarchy did ^{1537.} not affect the industry of its fishermen, who, amidst the miseries of France, still resorted to Newfoundland. There exists a letter (5) to Henry VIII., from the haven of St. John, in Newfoundland, written by an English captain, in which he declares, he found in that one harbour eleven sail of Normans and one Breton, engaged in the fishery. The French king, engrossed by the passionate and unsuccessful rivalry with Charles V., could hardly respect so humble an interest. But Chabot, admiral of France, (6) a man of bravery and influence, acquainted by his office with the fishermen, on whose vessels he levied some small exactions for his private emolument, interested Francis in the design of exploring and colonizing the New World. ^{1534.} James Cartier, a mariner of St. Malo, was selected to lead the expedition. (7) His several voyages are of great moment; for they had a permanent effect in guiding

(1) *Memoir of S. Cabot*, 271—276.

(2) *Hakl. Divers Voyages*, 1582, quoted in *Mem. of Cabot*, p. 272.

(3) See *Annale Caro*, *Lettere Familiari*, tom. i. let. 12.

(4) *Tiraboschi*, vii. 263, ed. 1809. Compare, also, *Ensayo Cronologico à la Historia de la Florida*, Anno MDXXIV.

(5) *Rut*, in *Purchas*, iii. 809.

(6) *Charlevoix*, *Nouv. Fr. l. 8.*

(7) See *Cartier's account in Hakluyt*, iii. 250—262. Compare *Charlevoix*, *N. V. l. 8, 9*; *Purchas*, i. 931; *Ibid. iv. 1605*; *Belknap's Am. Biog.* i. 161—163.

the attention of France to the region of the St. Lawrence. It was in April that the mariner, with two ships, left the harbour of St. Malo, and prosperous weather brought him in twenty days upon the coasts of Newfoundland. Having almost circumnavigated the island, he turned to the south, and, crossing the gulf, entered the bay, which he called Des Chaleurs, from the intense heats of midsummer. Finding no passage to the west, he sailed along the coast, as far as the smaller inlet of Gaspé. There, upon a point of land, at the entrance of the haven, a lofty cross was raised, bearing a shield, with the lilies of France, and an appropriate inscription. Henceforth the soil was to be esteemed a part of the dominions of the French king. Leaving the Bay of Gaspé, Cartier discovered the great river of Canada, and sailed up its channel till he could discern land on either side. As he was unprepared to remain during the winter, it then became necessary to return; the fleet weighed anchor for Europe, and in less than thirty days⁽¹⁾ entered the harbour of St. Malo in security. His native city and France were filled with the tidings of his discoveries. The voyage had been easy and successful. Even at this day the passage to and fro is not often made more rapidly or more safely.

Could a gallant nation, which was then ready to contend for power and honour with the united force of Austria and Spain, hesitate to pursue the career of discovery so prosperously opened? The court listened to the urgency of the friends of Cartier; (2) a new commission was issued; three well-furnished ships were provided by the king; and some of the young nobility of France volunteered to join the new expedition. Solemn preparations were made for departure; religion prepared a splendid pageant previous to the embarkation; the whole company, repairing to the cathedral, received absolution and the bishop's blessing.^{1535.} The adventurers were eager to cross the Atlantic; and the squadron sailed (3) for the New World, full

(1) Holmes's Annals, i. 65. "He returned in April." Not so. Compare Hakluyt, iii. 261, or Belknap, i. 163. The excellent annalist rarely is in error, even in minute particulars. He merits the gratitude of every student of American history. Purchas, i. 931, edition of 1617, says,— "Francis I. sent thither James Breton." This person can be no other than James Cartier, a Breton.

(2) Charlevoix, N. F. i. 9.

(3) See the original account of the voyage in Hakluyt, iii. 262—285. Compare Charlevoix, N. F. i. 8—15; Belknap's Am. Biog. i. 164—178. Purchas is less copious.

of hopes of discoveries and plans of colonization in the territory which now began to be known as New France.(1)

It was after a stormy voyage that they arrived within sight of Newfoundland. Passing to the west of that island on the day of St. Lawrence, they gave the name of that martyr to a portion of the noble gulf which opened before them; a name which has gradually extended to the whole gulf, and to the river. Sailing to the north of Anticosti, they ascended the stream in September, as far as a pleasant harbour in the isle, since called Orleans. The natives, Indians of Algonquin descent, received them with unsuspecting hospitality. Leaving his ships safely moored, Cartier, in a boat, sailed up the majestic stream to the chief Indian settlement on the island of Hochelaga. The language of its inhabitants proves them to have been of the Huron family of tribes.(2) The town lay at the foot of a hill, which he climbed. As he reached the summit, he was moved to admiration by the prospect before him of woods, and waters, and mountains. Imagination presented it as the future emporium of inland commerce, and the metropolis of a prosperous province; filled with bright anticipations, he called the hill Mont-Real,(3) and time, that has transferred the name to the island, is realizing his visions. Cartier also gathered of the Indians some indistinct account of the countries now contained in the north of Vermont and New York. Rejoining his ships, the winter, rendered frightful by the ravages of the scurvy, was passed where they were anchored. At the approach of spring a cross was solemnly erected upon land, and on it a shield was suspended, which bore the arms of France, and an inscription, declaring Francis to be the rightful king of these new-found regions. Having thus claimed possession of the territory, the Breton mariner once more regained St. Malo.

The description which Cartier gave of the country bordering on the St. Lawrence furnished arguments(4) against attempting a colony. The intense severity of the climate terrified even the inhabitants of the north of France; and no mines of silver and gold, no veins abounding in diamonds and precious stones, had been promised by the faithful narrative of the voyage.

(1) Hakluyt, iii. 285.

(2) Charlevoix, i. 12. Cass, in N. A. Rev. xxiv. 421.

(3) Hakluyt, iii. 272.

(4) Charlevoix, N. F. i. 20.

Three or four years, therefore, elapsed, before plans of colonization were renewed. Yet imagination did not fail to anticipate the establishment of a state upon the fertile banks of a river, which surpassed all the streams of Europe in grandeur, and flowed through a country situated between nearly the same parallels as France. Soon after a short peace had terminated the third desperate struggle between Francis I. and Charles V., attention to America was again awakened; there were not wanting men at court, who deemed it unworthy a gallant nation to abandon the enterprise; and a nobleman of Picardy, Francis de la Roque, lord of Roberval, a man of considerable provincial distinction, sought and obtained (1) a commission. It was easy to confer provinces and plant colonies upon parchment; Roberval could congratulate himself on being the acknowledged lord of the unknown Norimbega, and viceroy, with full regal authority, over the immense territories and islands which lie near the gulf or along the river St. Lawrence. But the ambitious nobleman could not dispense with the services of the former naval commander, who possessed the confidence of the king; and Cartier also received a commission. Its terms merit consideration. He was appointed captain-general and chief pilot of the expedition; he was directed to take with him persons of every trade and art; to repair to the newly-discovered territory; and to dwell there with the natives. But where were the honest tradesmen and industrious mechanics to be found, who would repair to this New World? The commission gave Cartier full authority to ransack the prisons: to rescue the unfortunate and the criminal; and to make up the complement of his men from their number. Thieves or homicides, the spendthrift or the fraudulent bankrupt, the debtors to justice or its victims, prisoners rightfully or wrongfully detained, excepting only those arrested for treason or counterfeiting money, these were the people by whom the colony was, in part, to be established. (2)

The division of authority between Cartier and Roberval of itself defeated the enterprise. (3) Roberval was ambitious of power; and Cartier desired the exclusive honour of discovery. They neither embarked

(1) Charlevoix, N. F. i. 20, 21. The account in Charlevoix needs to be corrected by the documents and original accounts in L'Escarbot and Hakluyt.

(2) Hazard, i. 19—21.

(3) Hakluyt, iii. 286—287.

in company, nor acted in concert. Cartier sailed (1) from St. Malo the next spring after the date of his commission; he arrived at the scene of his former adventures, ascended the St. Lawrence, and, near the site of Quebec, built a fort for the security of his party; (2) but no considerable advances in geographical knowledge appear to have been made. The winter passed in sullenness and gloom.

^{1542.} In June of the following year, he and his ships stole away and returned to France, just as Roberval arrived with a considerable reinforcement. Unsustained by Cartier, Roberval accomplished no more than a verification of previous discoveries. Remaining about a year in America, he abandoned his immense viceroyalty. Estates in Picardy were better than titles in Norimberga. His subjects must have been a sad company; during the winter, one was hanged for theft; several were put in irons; and "divers persons, as well women as men," were whipped. By these means quiet was preserved. Perhaps the expedition on its return entered the Bay of Massachusetts; the French diplomatists always remembered, that Boston was built within the original limits of New France.

^{1549.} The commission of Roberval was followed by no permanent results. It is confidently said, that, at a later date, he again embarked for his viceroyalty, accompanied by a numerous train of adventurers; and, as he was never more heard of, he may have perished at sea.

^{1550–1600.} Can it be a matter of surprise, that, for the next fifty years, no further discoveries were attempted by the government of a nation, which had become involved in the final struggle of feudalism against the central power of the monarch, of Calvinism against the ancient religion of France? The colony of Huguenots at ¹⁵⁶² the South sprung from private enterprise; a government which could devise the massacre of St. Bartholomew, ¹⁵⁷² as neither worthy nor able to found new states.

(1) Holmes, in *Annals*, i. 70, 71, places the departure of Cartier May 23, 1540. He follows, undoubtedly, the date in Hak. iii. 286; which is, however, a misprint, or an error. For, first, the patent of Cartier was not issued till October, 1540; next, the annalist can find no occupation for Cartier in Canada for one whole year; and, further, it is undisputed, that Roberval did not sail till April, 1542; and it is expressly said in the account of Roberval's voyage, Hak. iii. 295, that "Jaques Cartier and his company" were "*sent with five sayles the yeere before.*" Belknap makes a similar mistake, i. 179.

(2) *Chalmers*, 62, places this event in 1545, without reason.

At length, under the mild and tolerant reign of Henry IV., the star of France emerged from the clouds of blood, treachery, and civil war, which had so long eclipsed her glory. The number and importance of the fishing stages had increased; in 1578, there were one hundred and ^{1578.} fifty French vessels at Newfoundland, and regular voyages for traffic with the natives, began to be successfully made. One French mariner, before 1609, had made more than forty voyages to the American coast. The purpose of founding a French empire in America ^{1598.} was renewed, and an ample commission was issued to the Marquis de la Roche, a nobleman of Brittany. Yet his enterprise entirely failed. Sweeping the prisons of France, he established their tenants on the desolate Isle of Sable; and the wretched exiles sighed for their dungeons. After some years, the few survivors received a pardon. The temporary residence in America was deemed a sufficient commutation for a long imprisonment.

The prospect of gain prompted the next enterprise. A monopoly of the fur-trade, with an ample patent, was obtained by Chauvin; and Pontgravé, a merchant of ^{1600.} St. Malo, shared the traffic. The voyage was repeated, for it was lucrative. The death of Chauvin ¹⁶⁰¹⁻ prevented his settling a colony. ^{1602.}

A firmer hope of success was entertained, when a ^{1603.} company of merchants of Rouen was formed by the governor of Dieppe; and Samuel Champlain, of Brouage, an able marine officer and a man of science, was appointed to direct the expedition. By his natural disposition, "delighting marvellously in these enterprises," Champlain became the father of the French settlements in Canada. He possessed a clear and penetrating understanding, with a spirit of cautious inquiry; untiring perseverance, with great mobility; indefatigable activity, with fearless courage. The account of his first expedition gives proof of sound judgment, accurate observation, and historical fidelity. It is full of exact details on the manners of the savage tribes, not less than the geography of the country; and Quebec was already selected as the appropriate site for a fort.

Champlain returned to France just before an exclusive patent had been issued to a Calvinist, the able, patriotic, and honest De Monts. The sovereignty of Acadia and *its confines, from the fortieth to the forty-sixth degree of*

latitude, that is, from Philadelphia to beyond Montreal; a still wider monopoly of the fur-trade; the exclusive control of the soil, government, and trade; freedom of religion for Huguenot emigrants,—these were the privileges which the charter conceded. Idlers, and men without a profession, and all banished men, were doomed to lend him aid. A lucrative monopoly was added to the honours of territorial jurisdiction. Wealth and glory were alike expected.

1604. An expedition was prepared without delay, and left the shores of France, not to return till a permanent French settlement should be made in America. All New France was now contained in two ships, which followed the well-known path to Nova Scotia. The summer glided away, while the emigrants trafficked with the natives and explored the coasts. The harbour called Annapolis after the conquest of Acadia by Queen Anne, an excellent harbour, though difficult of access, possessing a small but navigable river, which abounded in fish, and is bordered by beautiful meadows, so pleased the imagination of Poutrincourt, a leader in the enterprise, that he sued for a grant of it from De Monts, and, naming it Port Royal, determined to reside there with his family. The company of De Monts made their first attempt at a settlement on the island of St. Croix, at the mouth of the river of the same name. The remains of their fortifications were
1798. still visible, when our eastern boundary was ascertained. Yet the island was so ill suited to their
1605. purposes, that, in the following spring, they removed to Port Royal.

For an agricultural colony, a milder climate was more desirable; in view of a settlement at the south, De Monts explored and claimed for France the rivers, the coasts and the bays of New England, as far, at least, as Cape Cod. The numbers and hostility of the savages led him to delay a removal, since his colonists were so few.

Yet the purpose remained. Thrice, in the spring of
1606. the following year, did Dupont, his lieutenant, attempt to complete the discovery. Twice he was driven back by adverse winds; and at the third attempt, his vessel was wrecked. Poutrincourt, who had visited France, and was now returned with supplies, himself renewed the design; but, meeting with disasters among the shoals of Cape Cod, he, too, returned to Port Royal.

There the first French settlement on the American continent had been made; two years before James River
1605. was discovered, and three years before a cabin had been raised in Canada.

The possessions of Poutrincourt were confirmed by
1607. Henry IV.; the apostolic benediction of the Roman pontiff was solicited on families which exiled themselves to evangelize infidels; Mary of Medici herself
1608. contributed money to support the missions, which the Marchioness de Guercheville protected; and by a
1610. compact with De Biencourt, the proprietary's son, the order of the Jesuits was enriched by an imposition on the fisheries and fur-trade.

The arrival of Jesuit priests was signalized by conversions among the natives. In the following year,
1611. De Biencourt and Father Biart explored the coast as far as the Kennebec, and ascended that river. The
1612. Canibas, Algonquins of the Abenaki nations, touched by the confiding humanity of the French, listened reverently to the message of redemption; and, already hostile towards the English who had visited their coast, the tribes between the Penobscot and the Kennebec became the allies of France, and were cherished as a barrier against danger from English encroachments.

A French colony within the United States followed, under the auspices of De Guercheville and
1613. Mary of Medici; the rude intrenchments of St. Sauveur were raised by De Saussaye on the eastern shore of Mount Desert Isle. The conversion of the heathen was the motive to the settlement; the natives venerated Biart as a messenger from heaven; and under the summer sky, round a cross in the centre of the hamlet, matins and vespers were regularly chanted. France and the Roman religion had appropriated the soil of Maine.

Meantime the remonstrances of French merchants had effected the revocation of the monopoly of De Monts, and
a company of merchants of Dieppe and St. Malo had
1608. founded Quebec. The design was executed by Champlain, who aimed not at the profits of trade, but at the glory of founding a state. The city of Quebec was begun; that is to say, rude cottages were framed, a few fields were cleared, and one or two gardens planted. The next
1609. year, that singularly bold adventurer, attended but by two Europeans, joined a mixed party of Hurons from

Montreal, and Algonquins from Quebec, in an expedition against the Iroquois, or Five Nations, in the north of New York. He ascended the Sorel, and explored the lake which bears his name, and perpetuates his memory.

The Huguenots had been active in plans of colonization.

^{1610.} The death of Henry IV. deprived them of their powerful protector. Yet the zeal of De Monts survived, and he quickened the courage of Champlain.

^{1611.} After the short supremacy of Charles de Bourbon,

^{1612.} the Prince of Condé, an avowed protector of the Calvinists, became viceroy of New France; through his intercession, merchants of St. Malo, Rouen, and La

^{1615.} Rochelle, obtained a colonial patent from the king; and Champlain, now sure of success, embarked once more for the New World, accompanied by monks of the order of St. Francis. Again he invades the territory of the Iroquois in New York. Wounded, and repulsed, and destitute of guides, he spends the first winter after his

^{1616.} return to America in the country of the Hurons; and a knight-errant among the forests carries his language, religion, and influence, even to the hamlets of Algonquins, near Lake Nipissing.

^{1617.} Religious disputes combined with commercial jealousies to check the progress of the colony; yet in the summer, when the pilgrims were leaving Leyden, in obedience to the wishes of the unhappy Montmorenci, the new viceroy, Champlain, began a fort. The merchants grudged the expense. "It is not best to yield to the passions of men," was his reply; "they sway but for a

^{1620.} season; it is a duty to respect the future;" and in a few years the castle of St. Louis, so long the place of council against the Iroquois and against New England, was durably founded on "a commanding cliff."

In the same year, the viceroyalty was transferred to the religious enthusiast, Henry de Levi; and through ^{1625.} his influence, in 1625, just a year after Jesuits had reached the sources of the Ganges and Thibet, the banks of the St. Lawrence received priests of the order, which was destined to carry the cross to Lake Superior and the West.

The presence of Jesuits and Calvinists led to dissensions. The savages caused disquiet. But the persevering founder of Quebec appealed to the Royal Council and to Richelieu; and though disasters intervened,

Champlain successfully established the authority of the French on the banks of the St. Lawrence, in the territory which became his country. "The father of New France" lies buried in the land which he colonized. Thus, the humble industry of the fishermen of Normandy and 1635. Brittany promised their country the acquisition of an empire.

CHAPTER II.

SPANIARDS IN THE UNITED STATES.

I HAVE traced the progress of events which, for a season, gave to France the uncertain possession of Acadia and Canada. The same nation laid claim to large and undefined regions at the southern extremity of our republic. The expedition of Francis I. discovered the continent in a latitude south of the coast which Cabot had explored; but Verrazzani had yet been anticipated. The claim to Florida, on the ground of discovery, belonged to the Spanish, and was successfully asserted.

Extraordinary success had kindled in the Spanish nation an equally extraordinary enthusiasm. No sooner had the New World revealed itself to their enterprise, than the valiant men, who had won laurels under Ferdinand among the mountains of Andalusia, sought a new career of glory in more remote adventures. The weapons that had been tried in the battles with the Moors, and the military skill that had been acquired in the romantic conquest of Granada, were now turned against the feeble occupants of America. The passions of avarice and religious zeal were strangely blended; and the heroes of Spain sailed to the west, as if they had been bound on a new crusade, where infinite wealth was to reward their piety. The Spanish nation had become infatuated with a fondness for novelties; the "chivalry of the ocean" despised the range of Europe, as too narrow, and offering to their extravagant ambition nothing beyond mediocrity. America was the region of romance, where the heated imagination could indulge in the boldest delusions; where the simple natives *ignorantly wore the most precious ornaments*; and, by the *side of the clear runs of water, the sands sparkled with*

gold. What way soever, says the historian of the ocean, the Spaniards are called, with a beck only, or a whispering voice, to anything rising above water, they speedily prepare themselves to fly, and forsake certainties under the hope of more brilliant success. To carve out provinces with the sword; to divide the wealth of empires; to plunder the accumulated treasures of some ancient Indian dynasty; to return from a roving expedition with a crowd of enslaved captives and a profusion of spoils—soon became the ordinary dreams in which the excited minds of the Spaniards delighted to indulge. Ease, fortune, life, all were squandered in the pursuit of a game, where, if the issue was uncertain, success was sometimes obtained, greater than the boldest imagination had dared to anticipate. Is it strange that these adventurers were often superstitious? The New World and its wealth were in themselves so wonderful, that why should credit be withheld from the wildest fictions? Why should not the hope be indulged, that the laws of nature themselves would yield to the desires of men so fortunate and so brave.

Juan Ponce de Leon was the discoverer of Florida.
 1512. His youth had been passed in military service in Spain; and, during the wars in Granada, he had shared in the wild exploits of predatory valour. No sooner had the return of the first voyage across the Atlantic given an assurance of a New World, than he hastened to participate in the dangers and the fruits of adventure in America.

He was a fellow-voyager of Columbus in his second
 1493. expedition. In the wars of Hispaniola he had been a gallant soldier; and Ovando had rewarded him with the government of the eastern province of that island. From the hills in his jurisdiction, he could behold, across the clear waters of a placid sea, the magnificent vegetation of Porto Rico, which distance rendered still more admirable, as it was seen through the transparent atmosphere of
 1508. the tropics. A visit to the island stimulated the cupidity of avarice, and Ponce aspired to the government.

He obtained the station: inured to sanguinary war,
 1509. he was inexorably severe in his administration: he oppressed the natives; he amassed wealth. But his commission as governor of Porto Rico conflicted with the claims of the family of Columbus; and policy, as well as justice, required his removal. Ponce was displaced.

Yet, in the midst of an archipelago, and in the vicinity of a continent, what need was there for a brave soldier to pine at the loss of power over a wild though fertile island? Age had not tempered the love of enterprise: he longed to advance his fortunes by the conquest of a kingdom, and to retrieve a reputation which was not without a blemish.⁽¹⁾ Besides, the veteran soldier, whose cheeks had been furrowed by hard service as well as by years, had heard, and had believed the tale, of a fountain which possessed virtues to renovate the life of those who should bathe in its stream, or give a perpetuity of youth to the happy man who should drink of its ever-flowing waters. So universal was this tradition, that it was credited in Spain, not by all the people and the court only, but by those who were distinguished for virtue and intelligence.⁽²⁾

^{1509.} Nature was to discover the secrets for which alchemy had toiled in vain; and the elixir of life was to flow from a perpetual fountain of the New World, in the midst of a country glittering with gems and gold.

^{1512.} Ponce embarked at Porto Rico, with a squadron of three ships, fitted out at his own expense, for his voyage to fairy-land. He touched at Guanahani; he sailed among the Bahamas; but the laws of nature remained inexorable. On Easter Sunday, which the Spaniards call Pascua Florida, land was seen. It was supposed to be an island, and received the name of Florida, from the day on which it was discovered, and from the aspect of the forests, which were then brilliant with a profusion of blossoms, and gay with the fresh verdure of early spring. Bad weather would not allow the squadron to approach land: at length the aged soldier was able to go on shore, in the latitude of thirty degrees and eight minutes; some miles, therefore, to the north of St. Augustine. The territory was claimed for Spain. Ponce remained for many weeks, to investigate the coast which he had discovered; though the currents of the gulf-stream, and the islands, between which the channel was yet unknown, threatened shipwreck. He doubled Cape Florida; he sailed among the group which he named Tortugas; and, despairing of entire success, he returned to Porto Rico, leaving a trusty follower to continue the research. The Indians had everywhere displayed determined hostility. Ponce de Leon

⁽¹⁾ *Peter Martyr*, d. iii. l. x.

⁽²⁾ *Peter Martyr*, d. vii. l. vii., and d. ii. c. x.

remained an old man ; but Spanish commerce acquired a new channel through the Gulf of Florida, and Spain a new province, which imagination could esteem immeasurably rich, since its interior was unknown.

The government of Florida was the reward which Ponce received from the king of Spain ; but the dignity was
 1513. accompanied with the onerous condition, that he should colonize the country which he was appointed to
 1514. rule. Preparations in Spain, and an expedition against
 1520. the Caribbee Indians, delayed his return to Florida.

When, after a long interval, he proceeded with two
 1521. ships to take possession of his province and select a site for a colony, his company was attacked by the Indians with implacable fury. Many Spaniards were killed ; the survivors were forced to hurry to their ships ; Ponce de Leon himself, mortally wounded by an arrow, returned to Cuba to die. So ended the adventurer, who had coveted immeasurable wealth, and had hoped for perpetual youth. The discoverer of Florida had desired immortality on earth, and gained its shadow.(1)

Meantime, commerce may have discovered a path
 1516. to Florida ; and Diego Miruelo, a careless sea-captain, sailing from Havana, is said to have approached the coast, and trafficked with the natives. He could not tell distinctly in what harbour he had anchored ; he brought home specimens of gold, obtained in exchange for toys ; and his report swelled the rumours, already credited, of the wealth of the country. Florida had at once obtained a governor ; it now constituted a part of a bishopric.(2)

The expedition of Francisco Fernandez, of Cordova, leaving the port of Havana, and sailing west by south, discovered the province of Yucatan and the Bay of Campeachy. He turned his prow to the north ; but, whatever may be asserted by careless historians, he was by no means able to trace the coast to any harbour which Ponce

(1) On Ponce de Leon, I have used Herrera, d. i. l. ix. c. x. xi. and xii. and d. i. l. x. c. xvi. Peter Martyr, d. iv. l. v. and d. v. l. i., and d. vii. l. iv. In Hakluyt, v. 320, 333, and 416. Gomara, Hist. Gen. de las Ind. c. xiv. Garcilaso de la Vega, Hist. de la Florida, l. i. c. iii., and l. vi. c. xlii. Cardenas z Cano, Ensayo Chronologico para la Hist. Gen. de la Florida, d. i. p. 1, 2, and 5. Ed. 1723, folio. The author's true name is Andres Gonzalez de Barcia. Navarette, Colleccion, iii. 50—53. Compare also, Eden and Willes, fol. 228, 229. Purchas, i. 957.

(2) Florida del Inca, Vega, l. i. c. ii. Ens. Cron. d. i. Anno MDXVI.

de Leon had visited.(1) At a place where he had landed for supplies of water, his company was suddenly assailed, and he himself mortally wounded.

The pilot whom Fernandez had employed soon^{1518.} conducted another squadron to the same shores. The knowledge already acquired was extended, and under happier auspices; and Grijalva, the commander of the fleet, explored the coast from Yucatan towards Panuco. The masses of gold which he collected, the rumours of the empire of Montezuma, its magnificence and its extent, heedlessly confirmed by the costly presents of the unsuspecting natives, were sufficient to inflame the coldest imagination, and excited the enterprise of Cortes. The voyage did not reach the shores of Florida.(2)

But while Grijalva was opening the way to the conquest of Mexico, the line of the American coast, from the Tortugas to Panuco, is said to have been examined, yet not with care, by an expedition which was planned, if not conducted, by Francisco Garay, the governor of Jamaica. The general outline of the Gulf of Mexico now became known.(3) Garay encountered the determined hostility of the natives; a danger which eventually proved less disastrous to him than the rivalry of his own countrymen. The adventurers in New Spain would endure no independent neighbour: the governor of Jamaica became involved in a career, which, as it ultimately tempted him to dispute the possession of a province with Cortes, led him to the loss of fortune and an inglorious death. The progress of discovery along the southern boundary of the United States was but little advanced by the expedition, of which the circumstances have been variously related.(4)

A voyage for slaves brought the Spaniards still further upon the northern coast. A company of seven, of whom the most distinguished was Lucas Vasquez de Ayllon, fitted out two slave ships from St. Domingo, in quest of labourers for their plantations and mines. From

(1) The *Ensayo Cronologico para la Historia General de la Florida* is not sufficiently discriminating. The error asserted with confidence in d. i. Anno mxcvii, may be corrected from Gomara, c. lii. Ant. de Solis, l. i. c. vi. Peter Martyr, d. iv. l. i. and ii. Herrera, d. ii. l. ii. c. xvii. and xviii.

(2) Peter Martyr, d. iv. l. iii. and iv. Herrera, d. ii. l. iii. c. ix. Ant. de Solis, l. i. c. vii., viii., ix. Gomara, c. xlix.

(3) Peter Martyr, d. v. l. i. Gomara, c. xli.

(4) Peter Martyr, d. v. l. i. Gomara, c. xlvii. *Ensayo Cronologico*, 3, 4. *Herrera*, d. ii. l. iii. c. vii. T. Southey's *History of the West Indies*, i. 135.

the Bahama Islands, they passed to the coast of South Carolina, a country which was called Chicora. The Combahee(1) river received the name of the Jordan: the name of St. Helena, given to a cape, now belongs to the sound. The natives of this region had not yet had cause to fear Europeans; their natural fastnesses had not yet been invaded; and if they fled at the approach of men from the slave ships, it was rather from timid wonder than from a sense of peril. Gifts were interchanged; a liberal hospitality was offered to the strangers; confidence was established. At length the natives were invited to visit the ships; they came in cheerful throngs; the decks were covered. Immediately the ships weighed anchor; the sails were unfurled, and the prows turned towards St. Domingo. Husbands were torn from their wives, and children from their parents. Thus the seeds of war were lavishly scattered where peace only had prevailed, and enmity was spread through the regions where friendship had been cherished. The crime was unprofitable, and was finally avenged. One of the returning ships foundered at sea, and the guilty and guiltless perished; many of the captives in the other sickened and died.

The events that followed mark the character of the times. Vasquez, repairing to Spain, boasted of his expedition, as if it entitled him to reward, and the emperor, Charles V., acknowledged his claim. In those days, the Spanish monarch conferred a kind of appointment, which, however strange its character may appear, still has its parallel in history. Not only were provinces granted; countries were distributed to be subdued; and Lucas Vasquez de Ayllon begged to be appointed to the conquest of Chicora. After long entreaty, he obtained his suit.

The issue of the new and bolder enterprise was disastrous to the undertaker. He wasted his fortune in preparations; his largest ship was stranded in the River Jordan; many of his men were killed by the natives, whom wrongs had quickened to active resistance; he himself escaped only to suffer from wounded pride; and, conscious of having done nothing worthy of being remembered, the sense of humiliation is said to have hastened his death.(2)

(1) Holmes's Annals, i. 47.

(2) Peter Martyr, d. vii. c. ii. Gomara, c. xlii. Herrera, d. iii. l. viii. c. viii. Herrera's West Indies, in Purchas, iv. 869. Galvano, in Hakluyt, iv. 429. Ensayo Cronologico, 4, 5, 6, 8, 9, and 160. Roberts's Florida, 27, 28. The Portuguese Relation, c. xiv.

The love of adventure did not wholly extinguish the desire for maritime discovery. When Cortes was able to pause from his success in Mexico, and devise further schemes for ingratiating himself with the Spanish monarch, he proposed to solve the problem of a north-west passage, the secret which has so long baffled the enterprise of the most courageous and persevering navigators. He deemed the existence of the passage unquestionable, and, by simultaneous voyages along the American coast, on the Pacific, and on the Atlantic, he hoped to complete the discovery, to which Sebastian Cabot had pointed the way.⁽¹⁾

The design of Cortes remained but the offer of loyalty.

A voyage to the north-west was really undertaken by

^{1525.} Stephen Gomez, an experienced naval officer, who had been with Magellan in the first memorable passage into the Pacific Ocean. The expedition was decreed by the council for the Indies, in the hope of discovering the northern route to India, which, notwithstanding it had been sought for in vain, was yet universally believed to exist. His ship entered the bays of New York and New England; on old Spanish maps, that portion of our territory is marked as the Land of Gomez. Failing to discover a passage, and fearful to return without success and without a freight, he filled his vessel with robust Indians, to be sold as slaves. Brilliant expectations had been raised; and the conclusion was esteemed despicably ludicrous. The Spaniards scorned to repeat their voyages to the cold and frozen north; in the south, and in the south only, they looked for "great and exceeding riches."⁽²⁾ The adventure of Gomez had no political results. It had been furthered by the enemies of Cabot, who was, at that time, in the service of Spain; and it established the reputation of the Bristol mariner. (3)

But neither the fondness of the Spanish monarch for extensive domains, nor the desire of the nobility for new governments, nor the passion of adventurers for undiscovered wealth, would permit the abandonment of the conquest of Florida. Permission to invade that territory was next sought for and obtained by Pamphilo de

(1) *Quarta Carta, o Relacion de Don Fernando Cortes.* S. xix. in Barcia's *Historiadores Primitivos*, i. 151, 152. The same may be found in the Italian of Ramusio, iii. fol. 224, ed. 1665.

(2) *Peter Martyr*, d. viii. l. x.

(3) *Peter Martyr*, d. vi. l. x. and d. viii. l. x. Gomara, c. xl. Herrera, d. iii. l. viii. c. viii.

Narvaez, a man of no great virtue or reputation. This is the same person who had been sent by the jealous governor of Cuba to take Cortes prisoner, and who, after having declared him an outlaw, was himself easily defeated. He lost an eye in the affray, and his own troops deserted him. When brought into the presence of the man whom he had promised to arrest, he said to him, "Esteem it great good fortune that you have taken me captive." Cortes replied, and with truth, "It is the least of the things I have done in Mexico." (1)

The territory placed at the mercy of Narvaez extended to the River of Palms; further, therefore, to the west, than the territory which was afterwards included in Louisiana. His expedition was as adventurous as his attempt against Cortes, but it was memorable for its disasters. Of three hundred men, of whom eighty were mounted, but four or five returned. The valour of the natives, thirst, famine, and pestilence, the want of concert between the ships and the men set on shore, the errors of judgment in the commanders, rapidly melted away the unsuccessful company. It is not possible to ascertain, with exactness, the point where Narvaez first landed in Florida; probably it was at a bay a little east of the meridian of Cape St. Antonio, in Cuba; it may have been, therefore, not far from the bay now called Appalachee. The party soon struck into the interior; they knew not where they were, nor whither they were going, and followed the directions of the natives. These, with a sagacity careful to save themselves from danger, described the distant territory as full of gold, and freed themselves from the presence of troublesome guests, by exciting a hope that covetousness could elsewhere be amply gratified. The town of Appalachee, which was thought to contain immense accumulations of wealth, proved to be an inconsiderable collection of wigwams. It was probably in the region of the Bay of Pensacola that the remnant of the party, after a ramble of eight hundred miles, finally came again upon the sea, in a condition of extreme penury. Here they manufactured rude boats, in which none but desperate men would have embarked; and Narvaez and most of his companions, after having passed nearly six

(1) Cortes, *Carte de Relacion*, c. i. s. xxxv.—xxxvii. in Barcia, i. 36—44. Gomara, *Cronica de la Nueva Espana*, c. xcvi—ci.

months in Florida, perished in a storm near the mouths of the Mississippi.⁽¹⁾ One ship's company was wrecked upon an island; most of those who were saved died of famine. The four who ultimately reached Mexico by land succeeded only after years of hardships. The simple narrative of their wanderings, their wretchedness, and their courageous enterprise, could not but have been full of marvels; their rambles, extending across Louisiana and the northern part of Mexico to the shores of the Pacific Ocean in Sonora, were almost as wide as those of Lewis and Clark to the sources of the Missouri and the mouth of the Columbia River; the story, which one of them published, and of which the truth was affirmed, on oath, before a magistrate, is disfigured by bold exaggerations and the wildest fictions.⁽²⁾ The knowledge of the bays and rivers of Florida, on the Gulf of Mexico, was not essentially increased; the strange tales of miraculous cures, of natural prodigies and of the resurrection of the dead, were harmless falsehoods; the wanderers, on their return, persevered in the far more fatal assertion, that Florida was the richest country in the world.⁽³⁾

The assertion was readily believed, even by those to whom the wealth of Mexico and Peru was familiarly known. To no one was credulity more disastrous than to Ferdinand de Soto, a native of Xeres, and now an ambitious courtier. He had himself gained fame and fortune by military service in the New World. He had been the favourite companion of Pizarro in the conquest of Peru, where he had distinguished himself for conduct and valour. At the storming of Cusco he had surpassed his companions in arms. He assisted in arresting the unhappy

(1) Prince, 86, a safe interpreter.

(2) On Narvaez, the original work is, *Naufraos de Alvar Nunez Cabeça de Vaca, en la Florida*; in Barcia, ii. 1—43. There is an Italian version in Ramusio, iii. fol. 310—330. The English version, in Purchas, iv. 1499—1528, is from the Italian. Compare Gomara, c. xvi.; Herrera, d. iv. l. iv. c. iv.—vii., and d. iv. l. v. c. v.; Purchas, i. 957, 958—962. *Examen Apologetico*, in Barcia, i. at the end, does not confer authority on Nunez. The scepticism of Benzo, in Calveto's *Novæ Novi Orbis Historiæ*, l. ii. c. xiii. 206, is praiseworthy. Compare, also, Roberts's *Florida*, 28—32, and a note in Holmes's *Annals*, i. 59; *Ensayo Cronologico*, 10; Vega, l. ii. p. ii. c. vi. Hints may also be found scattered through Vega's *Historia de la Florida*, and in the Portuguese account in Hakluyt. Humboldt, *Nouv. Esp.* ii. 435.

(3) *Virginia Valued*; the Portuguese Account; Dedication in Hakluyt, v. 479; Herrera, d. iii. l. viii. c. viii.; Hakluyt, v. 484; Vega, l. i. c. v.

Atahualpa, and he shared in the immense ransom with which the credulous inca purchased the promise of freedom. Perceiving the angry divisions which were threatened by the jealousy of the Spaniards in Peru, Soto had seasonably withdrawn with his share of the spoils, and now appeared in Spain to enjoy his reputation, to display his opulence, and to solicit advancement. His reception was triumphant; success of all kinds awaited him. The daughter of the distinguished nobleman, under whom he had first served as a poor adventurer, became his wife; (1) and the special favour of Charles V. invited his ambition to prefer a large request. It had ever been believed, that the depths of the continent at the north concealed cities as magnificent, and temples as richly endowed, as any which had yet been plundered within the limits of the tropics. Soto desired to rival Cortes in glory, and surpass Pizarro in wealth. Blinded by avarice and the love of power, he repaired to Valladolid, and demanded permission to conquer Florida at his own cost; and Charles V. readily conceded to so renowned a commander the government of the Isle of Cuba, with absolute power over the immense territory, to which the name of Florida was still vaguely applied. (2)

No sooner was the design of the new expedition published in Spain, than the wildest hopes were indulged. How brilliant must be the prospect, since even the conqueror of Peru was willing to hazard his fortune and the greatness of his name! Adventurers assembled as volunteers; many of them people of noble birth and good estates. Houses and vineyards, lands for tillage, and rows of olive-trees in the Ajarrafe of Seville, were sold, as in the times of the crusades, to obtain the means of ^{1538.} military equipments. The port of San Lucar of Barameda was crowded with those who hastened to solicit permission to share in the enterprise. Even soldiers of Portugal desired to be enrolled for the service. A muster was held; the Portuguese appeared in the glittering array of burnished armour; and the Castilians, brilliant with hopes, were "very gallant with silk upon silk." Soto gave directions as to the armament; from the numerous aspirants he selected for his companions six hundred men

(1) *Portuguese Relation*, c. i.; in Hakluyt, v. 483.

(2) *Portuguese Relation*, c. i. 483; Vega, l. i. c. i.; Herrera, d. iv. l. 1. c. iii.

in the bloom of life, the flower of the peninsula; many persons of good account, who had sold estates for their equipments, were obliged to remain behind.(1)

The fleet sailed as gaily as if it had been but a holiday excursion of a bridal party. In Cuba the precaution was used to send vessels to Florida to explore a harbour; and two Indians, brought as captives to Havana, invented such falsehoods as they perceived would be acceptable. They conversed by signs; and the signs were interpreted as affirming that Florida abounded in gold. The news spread great contentment; Soto and his troops were restless with longing for the hour of their departure to the conquest of "the richest country which had yet been discovered." (2) The infection spread in Cuba; and Vasco Porcallo, an aged and wealthy man, lavished his fortune in magnificent equipments.(3)

Soto had been welcomed in Cuba by long and brilliant festivals and rejoicings. At length all preparations were completed; leaving his wife to govern the island, he and his company, full of unbounded expectations, embarked for Florida; and, in about a fortnight, his fleet anchored in the Bay of Spiritu Santo.(4) The soldiers went on shore; the horses, between two and three hundred in number, were disembarked, and the men of the expedition stood upon the soil which they had so eagerly desired to tread. Soto would listen to no augury but that of success; and, like Cortes, he refused to retain his ships, lest they should afford a temptation to retreat. Most of them were sent to Havana.(5) The aged Porcallo, a leading man in the enterprise, soon grew alarmed, and began to remember his establishments in Cuba. It had been a principal object with him to obtain slaves for his estates and mines; despairing of success, and terrified with the marshes and thick forests, he also sailed for the island, where he could enjoy his wealth in security. Soto was indignant at the desertion, but concealed his anger.(6)

(1) Port. Rel. c. ii. and iii.; Vega, l. i. c. v. and vi. When the authorities vary, I follow that which is least highly coloured, and give the smaller number. Vega says there were a thousand men, and he strenuously vindicates his own integrity and love of truth. He wrote from the accounts of eye-witnesses, whom he examined: he was not himself an eye-witness.

(2) Portuguese Relation, c. i.

(3) Vega, l. i. c. xii.

(4) Portuguese Relation, c. vii.; Vega, l. i. part i. c. i. 23.

(5) *Ibid.* c. x.

(6) *Ibid.* c. x.; Vega, l. ii. part i. c. xi. and xii.

And now began the nomadic march of the adventurers; a numerous body of horsemen, besides infantry, completely armed; a force exceeding in numbers and equipments the famous expeditions against the empires of Mexico and Peru. Everything was provided that experience in former invasions and the cruelty of avarice could suggest; chains (1) for captives, and the instruments of a forge; arms of all kinds then in use, and bloodhounds as auxiliaries against the feeble natives; (2) ample stores of food, and, as a last resort, a drove of hogs, which would soon swarm in the favouring climate, where the forests and the Indian maize furnished abundant sustenance. It was a roving expedition of gallant freebooters in quest of fortune. It was a romantic stroll of men whom avarice rendered ferocious, through unexplored regions, over unknown paths; wherever rumour might point to the residence of some chieftain with more than Peruvian wealth, or the ill-interpreted signs of the ignorant natives might seem to promise a harvest of gold. The passion for cards now first raged among the groves of the south; and often at the resting-places groups of listless adventurers clustered together to enjoy the excitement of desperate gaming. Religious zeal was also united with avarice; there were not only cavalry and foot-soldiers, with all that belongs to warlike array; twelve priests, besides other ecclesiastics, accompanied the expedition. Florida was to become Catholic during scenes of robbery and carnage. Ornaments, such as are used at the service of mass, (3) were carefully provided; every festival was to be kept; every religious practice to be observed. As the troop marched through the wilderness, the solemn processions, which the usages of the church enjoined, were scrupulously instituted. (4)

The wanderings of the first season brought the company from the Bay of Spiritu Santo to the country of the Appalachians, east of the Flint River, and not far from the head of the Bay of Appalachee. (5) The names of the intermediate places cannot be identified. The march was tedious and full of dangers. The Indians were always hostile; the

(1) Portuguese Relation, c. xi. and xii.

(2) Ibid. c. xi. and elsewhere.

(3) Ibid. c. xix.

(4) Ibid. c. xx., and in various places, speaks of the friars and priests. Vega, l. i. c. vi. 9; l. iv. c. vi. and elsewhere. Herrera confirms the statement.

(5) Portuguese Relation, c. xii.; Vega, l. ii. part ii. c. iv.; McCulloh's Researches, 324.

two captives of the former expedition escaped ; a Spaniard, who had been kept in slavery from the time of Narvaez, could give no accounts of any country where there was silver or gold.(1) The guides would purposely lead the Castilians astray, and involve them in morasses ; even though death, under the fangs of the bloodhounds, was the certain punishment. The whole company grew dispirited, and desired the governor to return, since the country opened no brilliant prospects. "I will not turn back," said Soto, "till I have seen the poverty of the country with my own eyes."(2) The hostile Indians, who were taken prisoners, were in part put to death, in part enslaved. These were led in chains, with iron collars about their necks ; their service was to grind the maize and to carry the baggage. An exploring party discovered Ochus,(3) the harbour of Pensacola ; and a message was sent to Cuba, desiring that in the ensuing year supplies for the expedition might be sent to that place.(4)

Early in the spring of the following year the wanderers renewed their march, with an Indian guide, who promised to lead the way to a country, governed, it was said, by a woman, and where gold so abounded, that the art of melting and refining it was understood. He described the process so well, that the credulous Spaniards took heart, and exclaimed, "He must have seen it, or the devil has been his teacher !" The Indian appears to have pointed towards the gold region of North Carolina.(5) The adventurers, therefore, eagerly hastened to the north-east ; they passed the Alatomaha ; they admired the fertile valleys of Georgia, rich, productive, and full of good rivers. They passed a northern tributary of the Alatomaha, and a southern branch of the Ogechee ; and, at length, came upon the Ogechee itself, which, in April, flowed with a full channel and a strong current. Much of the time the Spaniards were in wild solitudes, they suffered for want of salt and of meat. Their Indian guide affected madness ; but "they said a gospel over him, and the fit left him." Again he involved them in pathless wilds, and then he would have been torn in pieces by the dogs, if he had not still been needed to assist the interpreter. Of

(1) Portuguese Relation, c. ix.

(2) *Ibid.* c. xl.

(3) *Ibid.* c. xli.

(4) *Ibid.* c. vii.—xii. ; Vega, l. ii. parts i. and ii.

(5) *Silliman's Journal*, xxiii. 8, 9.

four Indian captives who were questioned, one bluntly answered he knew no country such as they described; the governor ordered him to be burnt, for what was esteemed his falsehood. The sight of the execution quickened the invention of his companions, and the Spaniards made their way to the small Indian settlement of Cutifa-Chiqui. A dagger and a rosary were found here; the story of the Indians traced them to the expedition of Vasquez de Ayllon; and a two days' journey would reach, it was believed, the harbour of St. Helena. The soldiers thought of home, and desired either to make a settlement on the fruitful soil around them, or to return. The governor was "a stern man, and of few words." Willingly hearing the opinions of others, he was inflexible when he had once declared his own mind; and all his followers, "conceding to his will," continued to indulge delusive hopes.(1)

The direction of the march was now to the north, to the comparatively sterile country of the Cherokees,(2) and in part through a district in which gold is now found. The inhabitants were poor, but gentle; they liberally offered such presents as their habits of life permitted—deer skins and wild hens. Soto could hardly have crossed the mountains, so as to enter the basin of the Tennessee River;(3) it seems, rather, that he passed from the head-waters of the Savannah, or the Chattahoochee, to the head-waters of the Coosa. The name of Canasauga, a village at which he halted, is still given to a branch of the latter stream. For several months the Spaniards were in the valleys which send their waters to the Bay of Mobile. Chiaha was an island distant about a hundred miles from Canasauga. An exploring party which was sent to the north were appalled by the aspect of the Appalachian chain, and pronounced the mountains impassable. They had looked for mines of copper and gold, and their only plunder was a buffalo robe.

In the latter part of July the Spaniards were at Coosa. In the course of the season they had occasion to praise the wild grape of the country, the same, perhaps, which has since been thought worthy of culture, and to admire the luxuriant growth of maize, which was springing from

(1) Portuguese Relation, c. xiii. and xiv.; Vega, l. iii. c. ii.—xvii. Compare Belknap, l. 188. I cannot follow McCulloh, 524.

(2) Nuttall's *Arkansas*, 124; McCulloh's *Researches*, 524.

(3) *Martin's Louisiana*, l. 11.

the fertile plains of Alabama. A southerly direction led the train to Tuscaloosa; nor was it long before the wanderers reached a considerable town on the Alabama, above the junction of the Tombecbee, and about one hundred miles, or six days' journey, from Pensacola. The village was called Mavilla, or Mobile, a name which is still preserved, and applied, not to the bay only, but to the river, after the union of its numerous tributaries. The Spaniards, tired of lodging in the fields, desired to occupy the cabins; the Indians rose to resist the invaders, whom they distrusted and feared. A battle ensued; the terrors of their cavalry gave the victory to the Spaniards. I know not if a more bloody Indian fight ever occurred on the soil of the United States; the town was set on fire, and a witness of the scene, doubtless greatly exaggerating the loss, relates that two thousand five hundred Indians were slain, suffocated, or burned. They had fought with desperate courage, and, but for the flames, which consumed their light and dense settlements, they would have effectually repulsed the invaders. "Of the Christians, eighteen died," one hundred and fifty were wounded with arrows, twelve horses were slain, and seventy hurt. The flames had not spared the baggage of the Spaniards; it was within the town, and was entirely consumed.(1)

Meanwhile, ships from Cuba had arrived at Ochus, now Pensacola. Soto was too proud to confess his failure. He had made no important discoveries: he had gathered no stores of silver and gold, which he might send to tempt new adventurers; the fires of Mobile had consumed the curious collections which he had made. It marks the resolute cupidity and stubborn pride with which the expedition was conducted, that he determined to send no news of himself, until, like Cortes, he had found some rich country.(2)

But the region above the mouth of the Mobile was populous and hostile, and yet too poor to promise plunder. Soto retreated towards the north; his troops already reduced, by sickness and warfare, to five hundred men. A month passed away, before he reached winter-quarters at Chicaça, a small town in the country of the Chickasas, in

(1) Port. Rel. c. xvii.—xix. 508—512. Vega is very extravagant in his account of the battle. L. iii. c. xxvii.—xxxi. On localities, compare Belknap, i. 189—190; McCulloch, 525; and T. Irving's Florida, ii. 37.

(2) Portuguese Relation, c. xix.

the upper part of the state of Mississippi,—probably on the western bank of the Yazoo. The weather was severe, and snow fell; but maize was yet standing in the open fields. The Spaniards were able to gather a supply¹⁵⁴¹ of food; and the deserted town, with such rude cabins as they added, afforded them shelter through the winter. Yet no mines of Peru were discovered; no ornaments of gold adorned the rude savages; their wealth was the harvest of corn, and wigwams were their only palaces; they were poor and independent,—they were hardy, and loved freedom. When spring(1) opened, Soto, as he had usually done with other tribes, demanded of the chieftain of the Chickasaws two hundred men to carry the burdens of his company. The Indians hesitated. Human nature is the same in every age and in every climate. Like the inhabitants of Athens in the days of Themistocles, or those of Moscow of a recent day, the Chickasaws, unwilling to see strangers and enemies occupy their homes, in the dead of night, deceiving the sentinels, set fire to their own village, in which the Castilians were encamped.(2) On a sudden, half the houses were in flames; and the loudest notes of the war-whoop rung through the air. The Indians, could they have acted with calm bravery, might have gained an easy and entire victory; but they trembled at their own success, and feared the unequal battle against weapons of steel. Many of the horses had broken loose; these, terrified and without riders, roamed through the forest, of which the burning village illuminated the shades, and seemed to the ignorant natives the gathering of hostile squadrons. Others of the horses perished in the stables; most of the swine were consumed; eleven of the Christians were burned, or lost their lives in the tumult. The clothes which had been saved from the fires of Mobile were destroyed; and the Spaniards, now as naked as the natives, suffered from the cold. Weapons and equipments were consumed or spoiled. Had the Indians made a resolute onset on this night or the next, the Spaniards would have been unable to resist. But in a respite of a week, forges were erected, swords newly tempered, and good ashen lances were made, equal to the best of Biscay. When the Indians attacked the camp, they found “the Christians” prepared.

(1) Vega says January. *L. iii. c. xxxvi.*

(2) Vega, *l. iii. c. xxxvi., xxxvii. and xxxviii.* Port. Account, c. xi. xxi.

All the disasters which had been encountered, far from diminishing the boldness of the governor, served only to confirm his obstinacy by wounding his pride. Should he, who had promised greater booty than Mexico or Peru had yielded, now return as a defeated fugitive, so naked that his troops were clad only in skins and mats of ivy? The search for some wealthy region was renewed; the caravan marched still farther to the west. For seven days, it struggled through a wilderness of forests and marshes; and, at length, came to Indian settlements in the vicinity of the Mississippi. Soto was the first of Europeans to behold the magnificent river, which rolled its immense mass of waters through the splendid vegetation of a wide alluvial soil. The lapse of nearly three centuries has not changed the character of the stream: it was then described as more than a mile broad; flowing with a strong current, and, by the weight of its waters, forcing a channel of great depth. The water was always muddy; trees and timber were continually floating down the stream.(1)

The Spaniards were guided to the Mississippi by natives; and were directed to one of the usual crossing places,—probably at the lowest Chickasa Bluff,(2) not far from the thirty-fifth parallel of latitude.(3) The arrival of the strangers awakened curiosity and fear. A multitude of people from the western banks of the river, painted and gaily decorated with great plumes of white feathers, the warriors standing in rows with bow and arrows in their hands, the chieftains sitting under awnings as magnificent as the artless manufactures of the natives could weave, came rowing down the stream in a fleet of two hundred canoes, seeming to the admiring Spaniards “like a fair army of galleys.” They brought gifts of fish, and loaves made of the fruit of the persimmon. At first they showed some desire to offer resistance; but, soon becoming conscious of their relative weakness, they ceased to defy an enemy who could not be overcome, and suffered

(1) Portuguese Account, c. xxii.; Vega, l. iv. c. iii. I never rely on Vega alone.

(2) Portuguese Account, c. xxxii. and xxxiii. taken in connection with the more diffuse account of Vega, l. iv. c. v.

(3) Belknap, l. 192: “Within the thirty-fourth degree.” Andrew Elliott’s *Journal*, 128: “Thirty-four degrees and ten minutes.” Martin’s *Louisiana*, i. 12: “A little below the lowest Chickasaw Bluff.” Nuttall’s *Travels in Arkansas*, 248: “The lowest Chickasaw Bluff.” McCulloch’s *Researches*, 526: “Twenty or thirty miles below the mouth of the Arkansas River.”

injury without attempting open retaliation. The boats of the natives were too weak to transport horses; almost a month expired, before barges large enough to hold three horsemen each were constructed for crossing the river. At length the Spaniards embarked upon the Mississippi, and Europeans were borne to its western bank.

The Dahcota tribes, doubtless, then occupied the country south-west of the Missouri.(1) Soto had heard its praises; he believed in its vicinity to mineral wealth; and he determined to visit its towns. In ascending the Mississippi, the party was often obliged to wade through morasses; at length they came, as it would seem, upon the district of Little Prairie, and the dry and elevated lands which extend towards New Madrid. Here the religions of the invaders and the natives came in contrast. The Spaniards were adored as children of the sun; and the blind were brought into their presence, to be healed by the sons of light. "Pray only to God, who is in heaven, for whatsoever ye need," said Soto in reply; and the sublime doctrine, which, thousands of years before, had been proclaimed in the deserts of Arabia, now first found its way into the prairies of the Far West. The wild fruits of that region were abundant; the pecan-nut, the mulberry, and the two kinds of wild plums, furnished the natives with articles of food. At Pacaha, the northernmost point which Soto reached near the Mississippi, he remained forty days. The spot cannot be identified; but the accounts of the amusements of the Spaniards confirm the truth of the narrative of their ramblings. Fish were taken, such as are now found in the fresh waters of that region; one of them, the spade-fish,(2) the strangest and most whimsical production of the muddy streams of the west, so rare that, even now, it is hardly to be found in any museum, is accurately described by the best historian of the expedition.(3)

An exploring party, which was sent to examine the

(1) Charlevoix, *Journal Historique*, let. xxviii. Nuttall's *Arkansas*, 82, 250 and 251. McCulloh disagrees; 526—528.

(2) *Platirostra Edentula*.

(3) Portuguese Relation, c. xxiv.: "There was another fish, called a peelee fish; it had a snout of a cubit long and at the end of the upper lip, it was made like a peelee. It had no scales." Compare Flint's *Geography*, i. 85. *Journal of Phil. Acad. of Nat. Science*, i. 227—229. Nuttall's *Arkansas*, 254.

regions to the north, reported that they were almost a desert. The country still nearer the Missouri was said by the Indians to be thinly inhabited; the bison abounded there so much, that no maize could be cultivated; and the few inhabitants were hunters. Soto turned, therefore, to the west and north-west, and plunged still more deeply into the interior of the continent. The highlands of White River, more than two hundred miles from the Mississippi, were probably the limit of his ramble in this direction. The mountains offered neither gems nor gold; and the disappointed adventurers marched to the south.(1) They passed through a succession of towns, of which the position cannot be fixed; till, at length, we find them among the Tunicas,(2) near the hot springs and saline tributaries of the Washita.(3) It was at Autiamque, a town on the same river,(4) that they passed the winter; they had arrived at the settlement through the country of the Kappaws.

The native tribes, everywhere on the route, were found in a state of civilization beyond that of nomadic hordes. They were an agricultural people, with fixed places of abode, and subsisted upon the produce of the fields, more than upon the chase. Ignorant of the arts of life, they could offer no resistance to their unwelcome visitors; the bow and arrow were the most effective weapons with which they were acquainted. They seem not to have been turbulent or quarrelsome; but as the population was moderate, and the earth fruitful, the tribes were not accustomed to contend with each other for the possession of territories. Their dress was, in part, mats wrought of ivy and bulrushes, of the bark and lint of trees; in cold weather, they wore mantles woven of feathers. The settlements were by tribes; each tribe occupied what the Spaniards called a province; their villages were generally near together, but were composed of few habitations. The Spaniards treated them with no other forbearance than their own selfishness demanded, and enslaved such as offended, employing them as porters and guides. On a slight suspicion, they would cut off the hands of numbers

(1) Portuguese Rel. c. xxv.—xxvii.

(2) Charlevoix, Jour. Hist. l. xxxi.

(3) Portuguese Narrative, c. xxvi. Nuttall's Arkansas, 215, 216, 257.

(4) The river of Autiamque, Cayas, the saline regions, and afterwards of Nilco, was the same. Portuguese Relation, c. xxviii.

of the natives, for punishment or intimidation; (1) while the young cavaliers, from desire of seeming valiant, ceased to be merciful, and exulted in cruelties and carnage. The guide who was unsuccessful, or who purposely led them away from the settlements of his tribe, would be seized and thrown to the hounds. Sometimes a native was condemned to the flames. Any trifling consideration of safety would induce the governor to set fire to a hamlet. He did not delight in cruelty; but the happiness, the life, and the rights of the Indians, were held of no account. The approach of the Spaniards was heard with dismay; and their departure hastened by the suggestion of wealthier lands at a distance.

^{1542.} In the spring of the following year, Soto determined to descend the Washita to its junction, and to get tidings of the sea. As he advanced, he was soon lost amidst the bayous and marshes which are found along the Red River and its tributaries. Near the Mississippi, he came upon the country of Nilco, which was well peopled. The river was there larger than the Guadalquivir at Seville. At last, he arrived at the province where the Washita, already united with the Red River, enters the Mississippi. (2) The province was called Guachoya. Soto anxiously inquired the distance to the sea; the chieftain of Guachoya could not tell. Were there settlements extending along the river to its mouth? It was answered that its lower banks were an uninhabited waste. Unwilling to believe so disheartening a tale, Soto sent one of his men, with eight horsemen, to descend the banks of the Mississippi, and explore the country. They travelled eight days, and were able to advance not much more than thirty miles, they were so delayed by the frequent bayous, the impassable cane-brakes, and the dense woods. (3) The governor received the intelligence with concern; he suffered from anxiety and gloom. His horses and men were dying around him, so that the natives were becoming dangerous enemies. He attempted to overawe a tribe of Indians near Natchez by claiming a supernatural birth, and demanding obedience and tribute.

(1) Calveto, from Benzo, Hist. N. O. l. ii. c. xiii. in De Bry, iv. 47.

(2) McCulloch places Guachoya near the Arkansas. He does not make sufficient allowance for an exaggeration of distances, and for delays on the Mississippi during the night-time; 529—531. Nuttall, Martin, and others agree with the statement in the text.

(3) Portuguese Account, c. xxix.

"You say you are the child of the sun," replied the undaunted chief; "dry up the river, and I will believe you. Do you desire to see me? Visit the town where I dwell. If you come in peace, I will receive you with special goodwill; if in war, I will not shrink one foot back." But Soto was no longer able to abate the confidence, or punish the temerity of the natives. His stubborn pride was changed by long disappointments into a wasting melancholy; and his health sunk rapidly and entirely under a conflict of emotions. A malignant fever ensued, during which he had little comfort, and was neither visited nor attended as the last hours of life demand. Believing his death near at hand, he held the last solemn interview with his faithful followers; and, yielding to the wishes of his companions, who obeyed him to the end, he named a successor. On the next day he died. Thus perished Ferdinand de Soto, the governor of Cuba, the successful associate of Pizarro. His miserable end was the more observed, from the greatness of his former prosperity. His soldiers pronounced his eulogy by grieving for their loss; the priests chanted over his body the first requiems that were ever heard on the waters of the Mississippi. To conceal his death, his body was wrapped in a mantle, and, in the stillness of midnight, was silently sunk in the middle of the stream. The discoverer of the Mississippi slept beneath its waters. He had crossed a large part of the continent in search of gold, and found nothing so remarkable as his burial-place.⁽¹⁾

No longer guided by the energy and pride of Soto, the company resolved on reaching New Spain without delay. Should they embark on such miserable boats as they could construct, and descend the river? Or should they seek a path to Mexico through the forests? They were unanimous in the opinion, that it was less dangerous to go by land; the hope was still cherished, that some wealthy state, some opulent city, might yet be discovered, and all fatigues be forgotten in the midst of victory and spoils. Again they penetrated the western wilderness; in July, they found themselves in the country of the Natchitoches; (2) but the Red River was so swollen, that

(1) Portuguese Relation, c. xxx. Vega, l. v. p. i. c. vii. viii. Vega embellishes. Herrera, d. vii. l. vii. c. iii.

(2) Vega introduces the Natchitoches too soon. L. v. p. i. c. i. See Portuguese Account, c. xxxii. and xxxiii. Compare Nuttall, 264.

it was impossible for them to pass. They soon became bewildered. As they proceeded, the Indian guides purposely led them astray; "they went up and down through very great woods," without making any progress. The wilderness, into which they had at last wandered, was sterile and scarcely inhabited; they had now reached the great buffalo prairies of the west, the hunting-grounds of the Pawnees and Comanches, the migratory tribes on the confines of Mexico. The Spaniards believed themselves to be at least one hundred and fifty leagues west of the Mississippi. Desperate as the resolution seemed, it was determined to return once more to its banks, and follow its current to the sea. There were not wanting men, whose hopes and whose courage were not yet exhausted, who wished rather to die in the wilderness, than to leave it in poverty; but Moscoso, the new governor, had long "desired to see himself in a place where he might sleep his full sleep." (1)

They came upon the Mississippi at Minoya, a few leagues above the mouth of Red River, often wading through deep waters, and grateful to God, if, at night, they could find a dry resting-place. The Indians, whom they had enslaved, died in great numbers; in Minoya, many Christians died; and most of them were attacked by a dangerous epidemic.

Nor was the labour yet at an end: it was no easy task for men in their condition to build brigantines. Erecting a forge, they struck off the fetters from the slaves; and, gathering every scrap of iron in the camp, they wrought it into nails. Timber was sawed by hand with a large saw, which they had always carried with them. They caulked their vessels with a weed like hemp; barrels, capable of holding water, were with difficulty made; to obtain supplies of provision, all the hogs and even the horses were killed, and their flesh preserved by drying; and the neighbouring townships of Indians were so plundered of their food, that the miserable inhabitants would come about the Spaniards begging for a few kernels of their own maize, and often died from weakness and want of food. The rising of the Mississippi assisted the launching of the seven brigantines; they were frail barks, which had no decks; and as, from the want of iron, the nails were of necessity short, they were constructed of

(1) Portuguese Relation, c. xxxiv.

very thin planks, so that the least shock would have broken them in pieces. Thus provided, in seventeen days the fugitives reached the Gulf of Mexico; the distance seemed to them two hundred and fifty leagues, and was not much less than five hundred miles. They were the first to observe, that for some distance from the mouth of the Mississippi the sea is not salt, so great is the volume of fresh water which the river discharges. Following, for the most part, the coast, it was more than fifty days before the men, who finally escaped, now no more than three hundred and eleven in number, entered the River Panuco.(1)

Such is the history of the first visit of Europeans to the Mississippi; the honour of the discovery belongs, without a doubt, to the Spaniards. There were not wanting adventurous men who desired to make one more attempt to possess the country by force of arms; their request was refused.(2) Religious zeal was more persevering; Louis Cancellor, a missionary of the Dominican order, gained, through Philip, then heir apparent in Spain, permission to visit Florida, and attempt the peaceful conversion of the natives. Christianity was to conquer the land against which so many expeditions had failed. The Spanish governors were directed to favour the design; all slaves, that had been taken from the northern shore of the Gulf of Mexico, were to be manumitted and restored

(1) On Soto's expedition, by far the best account is that of the Portuguese Eye-witness, first published in 1557, and by Hakluyt, in English, in 1609. There is an imperfect abridgment of it in Purchas, iv. 1528—1556: and a still more imperfect one in Roberts's Florida, 33—79. This narrative is remarkably good, and contains internal evidence of its credibility. Nuttall erroneously attributes it to Vega. In the work of Vega, numbers and distances are magnified; and everything embellished with great boldness. His history is not without its value, but must be consulted with extreme caution. Herrera, d. vi. l. vii. c. ix—xii., and d. vii. l. vii. c. i.—xi. is not an original authority. The *Ensayo Cronologico* contains nothing of moment on the subject. L'Escarbot, N. Fr. i. 36, De Laet, l. iv. c. iv.—ix., and Charlevoix, N. Fr. i. 24, and iii. 406, offer no new views. Du Prat is unnecessarily sceptical. The French translator of Vega has not a word of valuable criticism. Of English authors, neither Purchas nor Harris has furnished any useful illustrations. Of books published in America, Belknap, in *Am. Biog.* i. 185—195, comments with his usual care. McCulloh, in his *Researches*, appendix, iii. 523—531, makes an earnest attempt to trace the route of Soto. So Nuttall, in his *Travels in Arkansas*, appendix, 247—267. Nuttall had himself roved through the same regions, and his opinions are justly entitled to much deference. Flint only glances at the subject. Stoddard, in his *Sketches*, 4, is vague and without detail. *I have compared all these authors: the account in Hakluyt, with good modern maps, can lead to firm conclusions.*

(2) *Ensayo Cronologico*, Anno MDXLIV.

to their country. A ship was fitted out with much solemnity; but the priests, who sought the first interview with the natives, were feared as enemies, and, being immediately attacked, Louis and two others fell martyrs to their zeal.(1)

Florida was abandoned. It seemed as if death guarded the avenues to the country.(2) While the Castilians were everywhere else victorious, Florida was wet with the blood of the invaders, who had still been unable to possess themselves of her soil. The coast of our republic on the Gulf of Mexico was not, at this time, disputed by any other nation with Spain; while that power claimed, under the name of Florida, the whole sea-coast as far as Newfoundland,(3) and even to the remotest north. In Spanish geography, Canada was a part of Florida.(4) Yet within that whole extent not a Spanish fort was erected, not a harbour was occupied, not one settlement was begun. The first permanent establishment of the Spaniards in Florida was the result of jealous bigotry.

For France had begun to settle the region with a colony of Protestants; and Calvinism, which, with the special co-operation of Calvin himself, had, for a short season, occupied the coasts of Brazil and the harbour of Rio Janiero,(5) was now to be planted on the borders of

Florida. Coligny had long desired to establish a refuge for the Huguenots, and a Protestant French empire, in America. Disappointed in his first effort by the apostasy and faithlessness of his agent, Villegagnon, he still persevered; moved alike by religious zeal, and by a passion for the honour of France. The expedition which

he now planned was intrusted to the command of John Ribault, of Dieppe, a brave man, of maritime experience, and a firm Protestant, and was attended by some of

(1) *Ensayo Cronologico*, 25, 26; Vega, l. vi. c. xxii.; Gomara, c. xlv.; Urban Calvetonis de Gallorum in Floridam Expeditione Brevis Historia, c. i., annexed to Nov. Orbis Hist. 432, 433; Eden and Wiles, fol. 230; De Bry's introduction and preface to his *Brevis Narratio eorum que in Florida Gallis acciderunt*. Thuani Hist. l. xlv.

(2) Gom. c. xlv.; Vega, l. vi. c. xxii.

(3) Herrera's West Indies, c. viii. in Purchas, iv. 868.

(4) Bolvio á la Florida Champlain entró en Quebec, &c. *Ensayo Cronologico*, 179.

(5) De Thou's Hist. l. xvi. Lery, Hist. Nav. in Bras. An abridgment of the description, but not of the personal narrative, appears in Purchas, iv. 1325—1347. L'Escarbot, N. F. i. 143—214; Southey's Brazil, part 1. c. ix.

the best of the young French nobility, as well as by veteran troops. The feeble Charles IX. conceded an ample commission, and the squadron set sail for the shores of North America. Desiring to establish their plantation in a genial climate, land was first made in the latitude of St. Augustine; the fine river which we call the St. John's⁽¹⁾ was discovered, and named the River of May. It is the St. Matheo⁽²⁾ of the Spaniards. The forests of mulberries were admired, and caterpillars readily mistaken for silkworms. The cape received a French name; as the ships sailed along the coast, the numerous streams were called after the rivers of France; and America, for a while, had its Seine, its Loire, and its Garonne. In searching for the Jordan or Combahee, they came upon Port Royal entrance,⁽³⁾ which seemed the outlet of a magnificent river. The greatest ships of France and the argosies of Venice could ride securely in the deep water of the harbour. The site for a first settlement is apt to be injudiciously selected; the local advantages which favour the growth of large cities are revealed by time. It was perhaps on Lemon Island that a monumental stone, engraved with the arms of France, was proudly raised; and as the company looked round upon the immense oaks, which were venerable from the growth of centuries, the profusion of wild fowls, the groves of pine, the flowers so fragrant that the whole air was perfumed, they already regarded the country as a province of their native land. Ribault determined to leave a colony; twenty-six composed the whole party, which was to keep possession of the continent. Fort Charles, the Carolina,⁽⁴⁾ so called in honour of Charles IX. of France, first gave a name to the country, a century before it was occupied by the English. The name remained, though the early colony perished.⁽⁵⁾

Ribault and the ships arrived safely in France. But

(1) Compare the criticism of Holmes's Annals, i. 567.

(2) *Ensayo Cronologico*, p. 43.

(3) Landonniere, in Hakluyt, iii. 373. The description is sufficiently minute and accurate; removing all doubt. Before the geography of the country was well known, there was room for the error of Charlevoix, *Nouv. Fr.* i. 25, who places the settlement at the mouth of the Edisto, an error which is followed by Chalmers, 513. It is no reproach to Charlevoix, that his geography of the coast of Florida is confused and inaccurate. Compare Johnson's *Life of Greene*, i. 477.

(4) *Munitionem Carolinam, de regis nomine dictum.* De Thou, l. xliv. 531, edition of 1626.

(5) *Hening*, i. 552; and *Thurloe*, ii. 273, 274.

res of civil war had been kindled in all the provinces of the kingdom, and the promised reinforcements for Florida were never levied. The situation of the French colony was precarious. The natives were friendly, but the Spaniards themselves were insubordinate, and dissensions prevailed. The commandant at Carolina repressed the rebellious spirit with arbitrary cruelty, and lost his life in the attempt, in which his ungovernable passion had provoked. A new commander succeeded in restoring order. But love of his native land is a passion easily revived in the breast of a Frenchman; and the company resolved to embark in such a brigantine as they could themselves construct. Intoxicated with joy at the thought of returning home, they neglected to provide sufficient stores; they were overtaken by famine at sea, with its attendant crimes. A small English bark at length boarded the vessel, and, setting the most feeble on shore upon the coast of France, carried the rest to the queen of England. Thus fell the first attempt of France in Florida, near the southern confines of South Carolina. The country was still a desert.(1)

After the treacherous peace between Charles IX. and the Huguenots, Coligny renewed his solicitations for the colonization of Florida. The king gave consent; ships were conceded for the service; and Laudonnière, who, in the former voyage, had been upon the American coast, a man of great intelligence, though a man rather than a soldier, was appointed to lead forth the colony. Emigrants readily appeared; for the climate of Florida was so celebrated, that, according to rumour, the duration of human life was doubled under its genial breezes;(2) and men still dreamed of rich mines of gold in the interior. Coligny was desirous of obtaining accurate descriptions of the country; and James le Moyne, called *le forges*, an ingenious painter, was commissioned to make coloured drawings of the objects which might excite his curiosity. A voyage of sixty days brought them by the way of the Canaries and the Antilles, to the coast of Florida. The harbour of Port Royal, rendered dangerous by recollections of misery, was avoided; and after

Laudonnière, in Hakluyt, iii. 371—384. Compare De Thou, a contemporary, l. xliv.; Charlevoix, *N. Fr.* i. 24—35; *Essayo Cronologico*, 42. *L'Escarbot, Nouv. Fr.* i. 41—62.

De Thou, l. xliv.; Hakluyt, iv. 389.

searching the coast, and discovering places which were so full of amenity, that melancholy itself could not but change its humour as it gazed, the followers of Calvin planted themselves on the banks of the river May. They sung a psalm of thanksgiving, and gathered courage from acts of devotion. The fort now erected was also named Carolina. The result of this attempt to procure for France immense dominions at the south of our republic, through the agency of a Huguenot colony, has been very frequently narrated: (1) in the history of human nature it forms a dark picture of vindictive bigotry.

The French were hospitably welcomed by the natives; a monument, bearing the arms of France, was crowned with laurels, and its base encircled with baskets of corn. What need is there of minutely relating the simple manners of the red men; the dissensions of rival tribes; the largesses offered to the strangers to secure their protection or their alliance; the improvident prodigality with which careless soldiers wasted the supplies of food; the certain approach of scarcity; the gifts and the tribute levied from the Indians by entreaty, menace, or force? By degrees the confidence of the natives was exhausted; they had welcomed powerful guests, who promised to become their benefactors, and who now robbed their humble granaries.

But the worst evil in the new settlement was the character of the emigrants. Though patriotism and religious enthusiasm had prompted the expedition, the inferior class of the colonists was a motley group of dissolute men. Mutinies were frequent. The men were mad with the passion for sudden wealth; and a party, under the pretence of desiring to escape from famine, compelled Laudonniere to sign an order, permitting their embarkation

(1) There are four original accounts by Eye-witnesses: Laudonniere, in Hakluyt, iii. 384—419; Le Moyne, in De Bry, part ii., together with the *Epistola Supplicatoria*, from the widows and orphans of the sufferers, to Charles IX.; also in De Bry, part ii.; Challus, or Challusius, of Dieppe, whose account I have found annexed to Calveto's *Nov. Nov. Orb. Hist.* under the title *De Gallorum Expeditione in Floridam*, 433—469; and the Spanish account by Solis *de las Meras*, the brother-in-law and apologist of Melendez, in *Ensayo Cronologico*, 85—90. On Solis, compare *Crisis del Ensayo*, 23, 23. I have drawn my narrative from a comparison of these four accounts; consulting also the admirable De Thou, a genuine worshipper at the shrine of truth, l. xlv.; the diffuse Barcia's *Ensayo Cronologico*, 43—94; the elaborate and circumstantial narrative of Charlevoix, *N. Fr. l. 1.* 24—106; and the account of L'Escarbot, i. 62—129. The accounts do not essentially vary. Voltaire and many others have repeated the tale.

for New Spain. No sooner were they possessed of this apparent sanction of the chief, than they equipped two vessels, and began a career of piracy against the Spaniards. Thus the French were the aggressors in the first act of hostility in the New World; an act of crime and temerity which was soon avenged. The pirate vessel was taken, and most of the men disposed of as prisoners or slaves. A few escaped in a boat; these could find no shelter but at Fort Carolina, where Laudonniere sentenced the ringleaders to death.

Meantime, the scarcity became extreme; and the friendship of the natives was entirely forfeited by unprofitable severity. March was gone, and there were no supplies from France; April passed away, and the expected recruits had not arrived; May came, but it brought nothing to sustain the hopes of the exiles. It was resolved to return to Europe in such miserable brigantines as despair could construct. Just then, Sir John Hawkins,⁽¹⁾ the slave merchant, arrived from the West Indies. He came fresh from the sale of a cargo of Africans, whom he had kidnapped with signal ruthlessness; and he now displayed the most generous sympathy, not only furnishing a liberal supply of provisions, but relinquishing a vessel from his own fleet. Preparations were continued; the colony was on the point of embarking, when sails were descried. Ribault had arrived to assume the command, bringing with him supplies of every kind, emigrants with their families, garden seeds, implements of husbandry, and the various kinds of domestic animals. The French, now wild with joy, seemed about to acquire a home, and Calvinism to become fixed in the inviting regions of Florida.

But Spain had never relinquished her claim to that territory; where, if she had not planted colonies, she had buried many hundreds of her bravest sons. Should the proud Philip II. abandon a part of his dominions to France? Should he suffer his commercial monopoly to be endangered by a rival settlement in the vicinity of the West Indies? Should the bigoted Romanist permit the heresy of Calvinism to be planted in the neighbourhood of his Catholic provinces? There had appeared at the Spanish court a bold commander well fitted for acts of reckless hostility. Pedro Melendez de Avilès had, in a long career of military service, become accustomed to scenes of blood; and his natural ferocity had been con-

(1) Hawkins, in Hakluyt, iii. 615, 616.

firmed by his course of life. Often, as a naval officer, encountering pirates, he had become inured to acts of prompt and unsparing vengeance. He had acquired wealth in Spanish America, which was no school of benevolence; and his conduct there had provoked an inquiry, which, after a long arrest, ended in his conviction. The nature of his offences is not apparent; the justice of the sentence is confirmed, for the king, who knew him well, esteemed his bravery, and received him again into his service, remitted only a moiety of his fine. The heir of Melendez had been shipwrecked among the Bermudas; the father desired to return and search among the islands for tidings of his only son. Philip II. suggested the conquest and colonization of Florida; and a compact was soon framed and confirmed, by which Melendez, who desired an opportunity to retrieve his honour, was constituted the hereditary governor of a territory of almost unlimited extent. (1)

The terms of the compact (2) are curious. Melendez, on his part, promised, at his own cost, in the following May, to invade Florida with at least five hundred men; to complete its conquest within three years; to explore its currents and channels, the dangers of its coasts, and the depth of its havens; to establish a colony of at least five hundred persons, of whom one hundred should be married men; to introduce at least twelve ecclesiastics, besides four Jesuits. It was further stipulated, that he should transport to his province all kinds of domestic animals. The bigoted Philip II. had no scruples respecting slavery; Melendez contracted to import into Florida five hundred negro slaves. The sugar-cane was to become a staple of the country.

The king, in return, promised the adventurer various commercial immunities; the office of governor for life, with the right of naming his son-in-law as his successor; an estate of twenty-five square leagues in the immediate vicinity of the settlement; a salary of two thousand ducats, chargeable on the revenues of the province; and a fifteenth part of all royal perquisites.

Meantime, news arrived, as the French writers assert, through the treachery of the court of France, that the Huguenots had made a plantation in Florida, and that *Ribault* was preparing to set sail with reinforcements. The cry was raised that the heretics must be extirpated; the

(1) *Ensayo Cronolog.* 57—65.

(2) *Ibid.* 66.

enthusiasm of fanaticism was kindled, and Melendez readily obtained all the forces which he required. More than twenty-five hundred persons—soldiers, sailors, priests, Jesuits, married men with their families, labourers, and mechanics, and, with the exception of three hundred soldiers, all at the cost of Melendez—engaged in the invasion. After delays occasioned by a storm, the expedition set sail, and the trade-winds soon bore them rapidly across the Atlantic. A tempest scattered the fleet on its passage; it was with only one-third part of his forces that Melendez arrived at the harbour of St. John, in Porto Rico. But he esteemed celerity the secret of success; and, refusing to await the arrival of the rest of his squadron, he sailed for Florida. It had ever been his design to explore the coast; to select a favourable site for a fort or a settlement; and, after the construction of fortifications, to attack the French. It was on the day which the customs of Rome have consecrated to the memory of one of the most eloquent sons of Africa, and one of the most venerated of the fathers of the church, that he came in sight of Florida.⁽¹⁾ For four days he sailed along the coast, uncertain where the French were established; on the fifth day he landed, and gathered from the Indians accounts of the Huguenots. At the same time he discovered a fine haven and beautiful river; and remembering the saint on whose day he came upon the coast, he gave to the harbour and to the stream the name of St. Augustine.⁽²⁾ Sailing, then, to the north, he discovered a portion of the French fleet, and observed the nature of the road where they were anchored. The French demanded his name and objects. "I am Melendez of Spain," replied he; "sent with strict orders from my king to gibbet and behead all the Protestants in these regions. The Frenchman who is a Catholic I will spare; every heretic shall die."⁽³⁾ The French fleet, unprepared for action, cut its cables; the Spaniards, for some time, continued an ineffectual chase.

It was at the hour of vespers on the evening preceding the festival of the nativity of Mary that the Spaniards returned to the harbour of St. Augustine. At noonday of the festival itself, the governor went on shore to take

(1) *Ensayo Cronolog.* 66—70.

(2) *Ibid.* 71.

(3) *En que fuere herege, morirá.* *Ensayo Cronologico*, 75, 76. It is the account of the apologist and admirer of Melendez.

possession of the continent in the name of his king. The bigoted Philip II. was proclaimed monarch of all North America. The solemn mass of Our Lady was performed, and the foundation of St. Augustine was immediately laid.(1) It is, by more than forty years, the oldest town in the United States. Houses in it are yet standing which are said to have been built many years before Virginia was colonised.(2)

By the French it was debated whether they should improve their fortifications, and await the approach of the Spaniards, or proceed to sea and attack their enemy. Against the advice of his officers, Ribault resolved upon the latter course. Hardly had he left the harbour for the open sea, before there arose a fearful storm, which continued till October, and wrecked every ship of the French fleet on the Florida coast. The vessels were dashed against the rocks about fifty leagues south of Fort Carolina; most of the men escaped with their lives.

The Spanish ships also suffered, but not so severely; and the troops of St. Augustine were entirely safe. They knew that the French settlement was left in a defenceless state; with a fanatical indifference to toil, Melendez led his men through the lakes, and marshes, and forests, that divided the St. Augustine from the St. Johns, and, with a furious onset, surprised the weak garrison, who had looked only towards the sea for the approach of danger. After a short contest the Spaniards were masters of the fort. A scene of carnage ensued; soldiers, women, children, the aged, the sick, were alike massacred. The Spanish account asserts that Melendez ordered women and young children to be spared; yet not till after the havoc had long been raging.

Nearly two hundred persons were killed. A few escaped into the woods, among them Laudonniere, Challus, and Le Moyne, who have related the horrors of the scene. But whither should they fly? Death met them in the woods; and the heavens, the earth, the sea, and men, all seemed conspired against them. Should they surrender, appealing to the sympathy of their conquerors? "Let us," said Challus, "trust in the mercy of God rather than of these men." A few gave themselves up, and were immediately

(1) Laudonniere: "They put their soldiers, victual, and munition on land." Hakluyt, iii. 433. *Ensayo Cronologico*, 76, 77. Prince Murat, in *Am. Q. Rev.* ii. 216. De Thou, i. xlv.

(2) Stoddard's *Sketches*, 120.

murdered. The others, after the severest sufferings, found their way to the sea-side, and were received on board two small French vessels which had remained in the harbour. The Spaniards, angry that any should have escaped, insulted the corpses of the dead with wanton barbarity.

The victory had been gained on the festival of St. Matthew; and hence the Spanish name of the River May. After the carnage was completed, mass was said, a cross was raised, and the site for a church selected, on ground still smoking with the blood of a peaceful colony. So willingly is the human mind the dupe of its prejudices; so easily can fanaticism connect acts of savage ferocity with the rites of a merciful religion.

The shipwrecked men were, in their turn, soon discovered. They were in a state of helpless weakness, wasted by their fatigues at sea, half famished, destitute of water and of food. Should they surrender to the Spaniards? Melendez invited them to rely on his compassion; (1) the French capitulated, and were received among the Spaniards in such successive divisions as a boat could at once ferry across the intervening river. As the captives stepped upon the bank which their enemies occupied, their hands were tied behind them; and in this way they were marched towards St. Augustine, like a flock of sheep driven to the slaughter-house. As they approached the fort a signal was given; and, amidst the sound of trumpets and drums, the Spaniards fell upon the unhappy men who had confided in their humanity, and who could offer no resistance. A few Catholics were spared, some mechanics were reserved as slaves, the rest were massacred, "not as Frenchmen, but as Lutherans." The whole number of the victims of bigotry, here and at the fort, is said, by the French, to have been about nine hundred; (2) the Spanish accounts diminish the number of the slain, but not the atrocity of the deed. Melendez returned to Spain, impoverished, but triumphant. The French government heard of the outrage with apathy, and made not even a remonstrance on the ruin of a colony, which, if it had been protected, would have given to its country a flourishing empire in the south, before England had planted a single spot on the

(1) So says his apologist. Si ellos quieren entregarle las Vándaras, è las armas, è ponerse en su misericordia, lo pueden hacer, para que èl haga de ellos lo que Dios le diere de gracia. Is not this an implied promise of mercy.

(2) *Epist. Sup. in De Bry. ii.*

new continent. History has been more faithful, and has assisted humanity by giving to the crime of Melendez an infamous notoriety. The first town in the United States sprung from the unrelenting bigotry of the Spanish king. We admire the rapid growth of our larger cities; the sudden transformation of portions of the wilderness into blooming states. St. Augustine presents a stronger contrast, in its transition from the bigoted policy of Philip II. to the American principles of religious liberty. Its origin should be carefully remembered, for it is a fixed point, from which to measure the liberal influence of time, the progress of modern civilization, the victories of the American mind in its contests for the interests of humanity.

The Huguenots and the French nation did not share
 1567. the indifference of the Court. Dominic de Gourgues, a bold soldier of Gascony, whose life had been a series of adventures, now employed in the army against Spain, now a prisoner and a galley-slave among the Spaniards, taken by the Turks with the vessel in which he rowed, and redeemed by the commander of the knights of Malta—burned with a desire to avenge his own wrongs and the honour of his country. The sale of his property, and the contributions of his friends, furnished the means of equipping three ships, in which, with one hundred and fifty men, he embarked for Florida, not to found a colony, but only to destroy and revenge. He surprised two forts near the mouth of the St. Matheo; and, as terror magnified the number of his followers, the consternation of the Spaniards enabled him to gain possession of the larger establishment, near the spot which the French colony had occupied. Too weak to maintain his position, he, in May, 1565, hastily weighed anchor for Europe, having first hanged his prisoners upon the trees, and placed over them the inscription, "I do not this as unto Spaniards or mariners, but as unto traitors, robbers, and murderers." (1) The natives, who had been ill-treated both by the Spaniards and the French, enjoyed the consolation of seeing their enemies butcher one another.

The attack of the fiery Gascon was but a passing storm. France disavowed the expedition, and relinquished all pretension to Florida. Spain grasped at it as a portion of

(1) I owe to R. Biddle, the biographer of Cabot, a manuscript copy of the record of these events, preserved in the family of De Gourges, and another from the Royal Library at Paris.

her dominions ; and, if discovery could confer a right, her claim was founded in justice. Cuba now formed the centre of her West Indian possessions, and everything around it was included within her empire. Sovereignty was asserted, not only over the archipelagos within the tropics, but over the whole continent round the inner seas. From the remotest south-eastern cape of the Carribean, along the whole shore to the Cape of Florida, and beyond it, all was hers. The Gulf of Mexico lay embosomed within her territories.

CHAPTER III.

ENGLAND TAKES POSSESSION OF THE UNITED STATES.

THE attempts of the French to colonize Florida, though unprotected and unsuccessful, were not without an important influence on succeeding events. About the time of the return of De Gourgues, Walter Raleigh,(1) a young Englishman, had abruptly left the university of Oxford, to take part in the civil contests between the Huguenots and the Catholics in France, and, with the prince of Navarre, afterwards Henry IV., was learning the art of war under the veteran Coligny. The Protestant party was, at that time, strongly excited with indignation at the massacre which De Gourgues had avenged ; and Raleigh could not but gather from his associates and his commander intelligence respecting Florida and the navigation to those regions. Some of the miserable men who escaped from the first expedition, had been conducted to Elizabeth,(2) and had kindled in the public mind in England a desire for the possession of the southern coast of our republic ; the reports of Hawkins,(3) who had been the benefactor of the French on the River May, increased the national excitement ; and De Morgues,(4) the painter, who had sketched in Florida the most remarkable appearances of nature, ultimately found the opportunity of finishing his designs, through the munificence of Raleigh.

(1) Oldys's Raleigh, 16, 17. Tytler's Raleigh, 19—23.

(2) Hakluyt, iii. 384.

(3) Ibid. iii. 612—617.

(4) Ibid. iii. 364. Compare a marginal note to iii. 425.

The progress of English maritime enterprise had prepared the way for vigorous efforts at colonisation. The second expedition of the Cabots was, as we have
 1498. seen, connected with plans for settlements. Other commissions, for the same object, were issued by Henry VII.

In the patent, which an American historian has recently published,(1) the design of establishing emigrants in the New World is distinctly proposed, and encouraged by the concession of a limited monopoly of the colonial trade and of commercial privileges. It is probable that at least one voyage was made under the authority of this commission; for in the year after
 1500. it was granted, natives of North America, in their wild attire, were exhibited to the public wonder of England.(2)

Yet if a voyage was actually made, its success was inconsiderable. A new patent,(3) with larger concessions, was issued, in part to the same patentees; and there is reason to believe, that the king now favoured by gratuities(4) the expedition, which no longer appeared to promise any considerable returns. Where no profits followed adventure, navigation soon languished. Yet the connection between England and the New-Found Land was never abandoned. Documentary evidence exists of voyages(5) favoured by the English, till the time when the Normans, the Biscayans, and the Bretons began to frequent the fisheries on the American coast. Is it probable that English mariners ever wholly resigned to a rival nation the benefits arising from their own discoveries?

Nor was the reign of Henry VIII. unfavourable
 1509- to the mercantile interest of his kingdom; and that monarch, while his life was still unstained by profligacy, and his passions not yet hardened into the stubborn selfishness of despotism, considered the discovery of the north as his "charge and duty," and made such experiments as the favourable situation of England appeared to demand.(6) An account has already been given of
 1517. the last voyage of discovery in which Sebastian Cabot was personally engaged for his native land. Is it not probable, that other expeditions were made, with the

(1) Memoir of Cabot, 306—314.

(2) Stow, An. 1502, 483, 484.

(3) Rymer's *Fœdera*, xiii. 37—42. Bacon's Henry VII.

(4) Mem. of Cabot, 326. Note.

(5) *Ibid.* 329, 330.

(6) Thorne's letter, in 1527, to Henry VIII., in Hakluyt, i. 236.

favour of King Henry and of Wolsey, although no distinct account of them has been preserved? Of
 1527. one such voyage for the discovery of a north-west passage, there exists a relation,⁽¹⁾ written by Rut, the commander of one of the ships, and forwarded from the haven of St. John, in Newfoundland. This implies a direct and established intercourse between England and the American coast. Some part of the country was explored; for the English never abandoned the hope of planting a colony on the continent which Cabot had discovered.

The jealousy of the Spanish nation was excited, and already began to fear English rivalry in the New World.⁽²⁾ Henry VIII. was vigorous in his attempts to check piracy; and the navigation of his subjects was extended under the security of his protection. The banner of St. George was often displayed in the harbours of Northern Africa and in the Levant;⁽³⁾ and when commerce, emancipated from the confinement of the inner seas, went boldly forth to make the ocean its chief highway, England became more emulous to engage in a competition, in which her position gave her a pledge of success. When voyages for traffic were already made
 1530. by English merchants between the coasts of Africa and Brasil, it may be safely believed that the nearer shores of North America were not neglected.

An account exists of one expedition, which was conducted by Hore, and "assisted by the good countenance of Henry VIII." But the incidents, as they were related to the inquisitive Hakluyt, by "the only man then alive that had been in the discovery," are embellished with improbable aggravations of distress. Memory, at all periods of life, is easily deceived by the imagination; and men who relate marvellous tales of personal adventure, are the first to become the dupes of their own inventions. The old sailor, perhaps, believed his story, in which frequent repetition may have gradually deepened the shades of horror. Cannibalism is the crime of famine
 1536. at sea; men do not often devour one another on shore, least of all on a coast abounding in wild fowl and

(1) Purchas, iii. 809. Hakluyt, iii. 167, 168. Mem. of S. Cabot, part ii. c. ix.

(2) Herrera, d. ii. l. v. c. iii. Compare Oviedo, l. xix. c. xiii. in Ramusio, iii. fol. 204.

(3) Hill's Naval History, 267.

fish. The English may have suffered from want ; and as a French ship, "well furnished with vittails," approached Newfoundland, they obtained possession of it by a stroke of "police," which, if dishonest, seems not to have been regarded as disgraceful, and set sail for England. The French followed in the English ship, and complained of the exchange. It shows the favour of Henry VIII. to maritime enterprise, that he pardoned his subjects the wrong, and of his own private purse "made full and royal recompense to the French." (1)

The statute-books of England soon gave proof that 1541. the "new land" of America had engaged the attention of Parliament ; (2) and, after the accession of Edward, the fisheries of Newfoundland obtained the protection of 1548. a special Act. (3) The preamble to this latter statute declares the navigation to have been burdened for years by exactions from the officers of the Admiralty : and its enactments forbid the continuance of the oppression. An active commerce must have long existed, since exactions, levied upon it, had almost become prescriptive.

But India was still esteemed the great region of wealth ; and England, then having no anticipation of one day becoming the sovereign of Hindostan, hoped for a peaceful intercourse only by the discovery of a new and nearer avenue to Southern Asia. Thrice, at least,—perhaps thrice by Cabot alone,—the attempt at a north-western passage had been made, and always in vain. A 1533. north-east course was now proposed ; the fleet of Willoughby and Chancellor was to reach the rich lands of Cathay by doubling the northern promontory of Lapland. The ships parted company. The fate of Willoughby was as tragical as the issue of the voyage of Chancellor was successful. The admiral, with one of the ships, was driven, by the severity of the polar autumn, to seek shelter in a Lapland harbour, which afforded protection against storms, but not against the rigours of the season. When search 1534. was made for him in the following spring, Willoughby himself was found dead in his cabin ; and his journal, detailing his sufferings from the polar winter, was complete probably to the day when his senses were suspended by the intolerable cold. His ship's company lay dead in

(1) Hakluyt, ii. 168—170.

(2) 32 Henry VIII. c. ii. Ruffhead, ii. 304.

(3) Edward VI. in Ruffhead, ii. 412. Hakluyt, iii. 170. Hazard, i. 22, 23.

various parts of the vessel,—some alone, some in groups. The other ship reached the harbour of Archangel. This was “the discovery of Russia,” and the commencement of maritime commerce with that empire. A Spanish writer calls the result of the voyage “a discovery of new Indies.”(1) The Russian nation, one of the oldest and least mixed in Europe, now awakening from a long lethargy, emerged into political distinction. We have seen that, about eleven years from this time, the first town in the United States’ territory was permanently built. So rapid are the changes on the theatre of nations! One of the leading powers of the age, about two and a half centuries ago became known to Western Europe; another had not then one white man within its limits.

The principle of joint-stock companies, so favourable to every enterprise of uncertain result, by dividing the risks, and by nourishing a spirit of emulous zeal in behalf of an inviting scheme, was applied to the purposes of navigation; and a company of merchant adventurers was incorporated for the discovery of unknown lands.(2)

For even the intolerance of Queen Mary could not check the passion for maritime adventure. The sea was becoming the element on which English valour was to display its greatest boldness; the English sailors neither feared the sultry heats and consuming fevers of the tropics, nor the intense severity of northern cold. The trade to Russia, now that the port of Archangel had been discovered, gradually increased, and became very lucrative; and a regular and as yet an innocent commerce was carried on with Africa.(3) The marriage of Mary with the King of Spain tended to excite the emulation which it was designed to check. The enthusiasm awakened by the brilliant pageantry with which King Philip was introduced into London, excited Richard Eden(4) to gather into a volume the history of the most memorable maritime expeditions. Religious restraints, the thirst for rapid wealth, the desire of strange adventure, had driven the boldest spirits of Spain to the New World; their deeds had been commemorated by the copious and accurate details of the Spanish historians;

(1) Hakluyt, i. 251—284. Turner’s England, iii. 298—301. Purchas, iii. 462, 463.

(2) Hakluyt, i. 298—304.

(3) The *Voyage to Guinea* in 1553, in Eden and Willes, fol. 336, 337—343.

(4) Eden’s *Decades*, published in 1555.

and the English, through the alliance of their sovereign, made familiar with the Spanish language and literature, became emulous of Spanish success beyond the ocean.

The firmness of Elizabeth seconded the enterprise
 1558. of her subjects. They were rendered the more proud and intractable for the short and unsuccessful effort to make England an appendage to Spain; and the triumph of Protestantism, quickening the spirit of nationality, gave a new impulse to the people. England, no longer the ally, but the antagonist of Philip, claimed the glory of being the mistress of the northern seas, and prepared to extend its commerce to every clime. The queen strengthened her navy, filled her arsenals, and encouraged the building of ships in England: she animated the adventurers to Russia and to Africa by her special protection; 1561. and while her subjects were endeavouring to pene- 1568. trate into Persia by land, and enlarge their commerce with the East (1) by combining the use of ships and caravans, the harbours of Spanish America were at the same time visited by their privateers in pursuit of the rich 1574. galleons of Spain, and at least from thirty to fifty 1578. English ships came annually to the bays and banks of Newfoundland. (2)

The possibility of effecting a north-west passage had ever been maintained by Cabot. The study of geography had now become an interesting pursuit: the press teemed with books of travels, maps, and descriptions of the earth; and Sir Humphrey Gilbert, reposing from the toils of war, engaged deeply in the science of cosmography. A judicious and well-written argument (3) in favour of the possibility of a north-western passage was the fruit of his literary industry.

The same views were entertained by one of the
 1576. boldest men who ever ventured upon the ocean. For fifteen years, Martin Frobisher, an Englishman, well versed in various navigation, had revolved the design of accomplishing the discovery of the north-western passage; esteeming it "the only thing of the world, that was yet left undone, by which a notable minde might be made famous and fortunate." (4) Too poor himself to provide a

(1) Eden and Willes. *The Voyages of Persia, travelled by the Merchantes of London, &c.* in 1561, 1567, 1568, fol. 321, and ff.

(2) Parkhurst, in Hakluyt, iii. 171.

(3) Hakluyt, iii. 32-47.

(4) *Best*, in Hakluyt, iii. 86.

ship, it was in vain that he conferred with friends; in vain he offered his services to merchants. After years of desire, his representations found a hearing at court; and Dudley, Earl of Warwick, liberally promoted his design. (1) Two small barks of twenty-five and of twenty tons, with a pinnacle of ten tons burden, composed the whole fleet, which was to enter gulfs that none but Cabot had visited. As they dropped down the Thames, Queen Elizabeth waved her hand in token of favour, and, by an honourable message, transmitted her approbation of an adventure which her own treasures had not contributed to advance. During a storm on the voyage, the pinnacle was swallowed up by the sea; the mariners in the *Michael* became terrified, and turned their prow homewards; but Frobisher, in a vessel not much surpassing in tonnage the barge of a man-of-war, made his way, fearless and unattended, to the shores of Labrador, and to a passage or inlet north of the entrance of Hudson's Bay. A strange perversion has transferred the scene of his discoveries to the eastern coast of Greenland; (2) it was among a group of American islands, in the latitude of sixty-three degrees and eight minutes, that he entered what seemed to be a strait. Hope suggested that his object was obtained; that the land on the south was America; on the north was the continent of Asia; and that the strait opened into the immense Pacific. Great praise is due to Frobisher, even though he penetrated less deeply than Cabot into the bays and among the islands of this *Meta Incognita*, this unknown goal of discovery. Yet his voyage was a failure. To land upon an island, and, perhaps, on the main; to gather up stones and rubbish, in token of having taken possession of the country for Elizabeth: to seize one of the natives of the north for exhibition to the gaze of Europe;—these were all the results which he accomplished.

What followed marks the insane passions of the age. 1577. America and mines were always thought of together. A stone, which had been brought from the frozen regions, was pronounced by the refiners of London to contain gold. The news excited the wakeful avarice of the city: there

(1) Wilkes's Essay for M. Frobisher's voyage, in Eden and Wilkes, fol. 236, and ff.; in Hakluyt, iii. 47—52.

(2) Forster's Northern Voyages, 274—284; Hist. des Voyages, t. xv. p. 160.

were not wanting those who endeavoured to purchase of Elizabeth a lease of the new lands, of which the loose minerals were so full of the precious metal. A fleet was immediately fitted out, to procure more of the gold, rather than to make any further research for the passage into the Pacific; and the queen, who had contributed nothing to the voyage of discovery, sent a large ship of her own to join the expedition, which was now to conduct to infinite opulence. More men than could be employed volunteered their services; those who were discharged resigned their brilliant hopes with reluctance. The mariners, having received the communion, embarked for the arctic El Dorado, "and with a merrie wind" soon arrived at the Orkneys. As they reached the north-eastern coast of America, the dangers of the polar seas became imminent; mountains of ice encompassed them on every side; but as the icebergs were brilliant in the high latitude with the light of an almost perpetual summer's day, the worst perils were avoided. Yet the mariners were alternately agitated with fears of shipwreck and joy at escape. At one moment they expected death; and at the next they looked for gold. The fleet made no discoveries; it did not advance so far as Frobisher alone had done. (1) But it found large heaps of earth, which, even to the incredulous, seemed plainly to contain the coveted wealth; besides, spiders abounded; and "spiders were" affirmed to be "true signs of great store of gold." (2) In freighting the ships, the admiral himself toiled like a painful labourer. How strange, in human affairs, is the mixture of sublime courage and ludicrous folly! What bolder maritime enterprise than, in that day, a voyage to lands lying north of Hudson's Straits! What folly more egregious, than to have gone there for a lading of useless earth!

But credulity is apt to be self-willed. What is there which the passion for gold will not prompt? It defies danger, and laughs at obstacles; it resists loss, and anticipates treasures; unrelenting in its pursuit, it is deaf to the voice of mercy, and blind to the cautions of judgment; it can penetrate the prairies of Arkansas, and covet the moss-grown barrens of the Esquimaux. I have now to relate the first attempt of the English, under the

(1) Best, in Hakluyt, iii. 95.

(2) Settle, in Hakluyt, iii. 63. How rich, then, the alcoves of a library!

patronage of Elizabeth, to plant an establishment in America.⁽¹⁾

It was believed that the rich mines of the polar regions would countervail the charges of a costly adventure; the hope of a passage to Cathay increased; and for the security of the newly-discovered lands, soldiers and discreet men were selected to become their inhabitants. A magnificent fleet of fifteen sail was assembled, in part at the expense of Elizabeth; the sons of the English gentry embarked as volunteers; one hundred persons were chosen to form the colony, which was to secure to England a country more desirable than Peru, a country too inhospitable to produce a tree or a shrub, yet where gold lay, not charily concealed in mines, but glistening in heaps upon the surface. Twelve vessels were to return immediately with cargoes of the ore; three were ordered to remain and aid the settlement. The north-west passage was now become of less consideration; Asia itself could not vie with the riches of this hyperborean archipelago.

But the entrance to these wealthy islands was rendered difficult by frost; and the fleet of Frobisher, as it now approached the American coast, was bewildered among immense icebergs, which were so vast, that, as they melted, torrents poured from them in sparkling waterfalls. One vessel was crushed and sunk, though the men on board were saved. In the dangerous mists, the ships lost their course, and came into the straits which have since been called Hudson's, and which lie south of the imagined gold regions. The admiral believed himself able to sail through to the Pacific, and resolve the doubt respecting the passage. But his duty as a mercantile agent controlled his desire of glory as a navigator. He struggled to regain the harbour where his vessels were to be laden; and, after encountering peril of every kind; "getting in at one gap and out at another;" escaping only by miracle from hidden rocks and unknown currents, ice, and a lee shore, which was, at one time, avoided only by a prosperous breath of wind in the very moment of extreme danger,—he at last arrived at the haven in the Countess of Warwick's Sound. The zeal of the volunteer colonists had moderated; and the disheartened sailors were ready to mutiny. One ship, laden with provisions for the colony, deserted and returned; and an island was dis-

(1) Hakluyt, iii. 71—73.

covered with enough of the black ore "to suffice all the gold-gluttons of the world." The plan of the settlement was abandoned. It only remained to freight the home-bound ships with a store of minerals. They who engage in a foolish project, combine, in case of failure, to conceal their loss; for a confession of the truth would be an impeachment of their judgment; so that unfortunate speculations are promptly consigned to oblivion. The adventurers and the historians of the voyage are silent about the disposition which was made of the cargo of the fleet. The knowledge of the seas was not extended; the credulity of avarice met with a rebuke; and the belief in regions of gold among the Esquimaux was dissipated; but there remained a firm conviction, that a passage to the Pacific Ocean might yet be threaded among the icebergs and northern islands of America.(1)

While Frobisher was thus attempting to obtain wealth and fame on the north-east coast of America, the western limits of the territory of the United States became known. 1577-1580. Embarking on a voyage in quest of fortune, Francis Drake acquired immense treasures as a freebooter in the Spanish harbours on the Pacific, and, having laden his ship with spoils, gained for himself enduring glory by circumnavigating the globe. But before following in the path which the ship of Magellan had thus far alone dared to pursue, Drake determined to explore the north-western coast of America, in the hope of discovering the strait which connects the oceans. With this view, he crossed the equator, sailed beyond the peninsula of California, and followed the continent to the latitude of forty-three degrees, corresponding to the latitude of the southern borders of New Hampshire.(2) Here the cold seemed intolerable to men who had just left the tropics. Despairing of success, he retired to a harbour in a milder latitude, within the limits of Mexico; and, having refitted his ship, and named the country New Albion, he sailed for England, through the seas of Asia. Thus was the southern part of the Oregon territory first visited by Englishmen, yet not till after a voyage of the Spanish 1542. from Acapulco, commanded by Cabrillo, a Portuguese, had traced the American continent to within two

(1) On Frobisher, consult the original accounts of Hall, Settle, Ellis, and Best, with R. Hakluyt's instructions, in Hak. iii. 82-129.

(2) Course of Sir Francis Drake, in Hak. iii. 224; Johnson's Life of Drake.

and a-half degrees of the mouth of Columbia River; (1) while, thirteen years after the voyage of Drake, 1593. John de Fuca, a mariner from the Isles of Greece, then in the employ of the viceroy of Mexico, sailed into the bay which is now known as the Gulf of Georgia, and, having for twenty days steered through its intricate windings and numerous islands, returned with a belief, that the entrance to the long-desired passage into the Atlantic had been found. (2)

The lustre of the name of Drake is borrowed from his success. In itself, this part of his career was but a splendid piracy against a nation with which his sovereign and his country professed to be at peace. Oxenham, a subordinate officer, who had ventured to imitate his master, was taken by the Spaniards and hanged; nor was his punishment either unexpected or censured in England as severe. The exploits of Drake, except so far as they nourished a love for maritime affairs, were injurious to commerce; the minds of the sailors were debauched by a passion for sudden acquisitions; and to receive regular wages seemed base and unmanly, when, at the easy peril of life, there was hope of boundless plunder. Commerce and colonization rest on regular industry; the humble labour of the English fishermen, who now frequented the Grand Bank, bred mariners for the navy of their country, and prepared the way for its settlements in the New World. Already four hundred vessels came annually from the harbours of Portugal and Spain, of France and England, to the shores of Newfoundland. The English were not there in such numbers as other nations, for they still frequented the fisheries of Iceland; but yet they "were commonly lords in the harbours," and in the arrogance of naval supremacy, exacted payment for protection. (3) It is an incident honourable to the humanity of the early voyagers, that, on one of the American islands, not far from the fishing stations, hogs and horned cattle were purposely left, that they might multiply and become a resource to some future generation of colonists. (4)

(1) Forster's Northern Voyages, b. iii. c. iv. s. ii. Humboldt, Nouv. Esp. ii. 436, 437. Compare Viage de las Goletas Sutil y Mexicana, 34, 36, 37.

(2) Purchas, iv. 849—852. Forster is sceptical, b. iii. c. iv. s. iv. Belknap's Am. Blog. i. 224—230.

(3) See the letter of Ant. Parkhurst, who had himself been for four years engaged in the Newfoundland trade, in Hakluyt, iii. 170—174.

(4) Hakluyt, iii. 167.

While the queen and her adventurers were dazzled by the glittering prospects of mines of gold in the frozen regions of the remote north, Sir Humphrey Gilbert, with a sounder judgment and a better knowledge, watched the progress of the fisheries, and formed healthy plans for colonization. He had been a soldier and a member of Parliament. He was a judicious writer on navigation; (1) and though censured for his ignorance of the principles of liberty, (2) he was esteemed for the sincerity of his piety. He was one of those who alike despise fickleness and fear; danger never turned him aside from the pursuit of honour or the service of his sovereign; for he knew that death is inevitable, and the fame of virtue immortal. (3) It was not difficult for Gilbert to obtain a liberal patent, (4) formed according to commercial theories of that day, and to be of perpetual efficacy, if a plantation should be established within six years. To the people who might belong to his colony, the rights of Englishmen were promised; to Gilbert, the possession for himself or his assigns of the soil which he might discover, and the sole jurisdiction, both civil and criminal, of the territory within two hundred leagues of his settlement, with supreme executive and legislative authority. Thus the attempts at colonization, in which Cabot and Frobisher had failed, were renewed under a patent that conferred every immunity on the leader of the enterprise, and abandoned the colonists themselves to the mercy of an absolute proprietary.

Under this patent Gilbert began to collect a company of volunteer adventurers, contributing largely from his own fortune to the preparation. Jarrings and divisions ensued before the voyage was begun; many abandoned what they had inconsiderately undertaken; the general and a few of his assured friends—among them, perhaps, his step-^{1579.} brother, Walter Raleigh—put to sea; one of his ships was lost, and misfortune compelled the remainder to return. (5) The vagueness of the accounts of this expedition is ascribed to a conflict with a Spanish fleet, of which the issue was unfavourable to the little squadron of emigrants. (6) Gilbert attempted to keep his patent alive by

(1) Hakluyt, iii. 32—47.

(2) D'Ewes's Journal, 168 and 178.

(3) Gilbert, in Hakluyt, iii. 47.

(4) The patent may be found in Hakluyt, iii. 174—176; Stith's Virginia, 4, 5, 6; Hazard, i. 24—28.

(5) Hayes, in Hakluyt, iii. 186.

(6) Oldys, 22, 20. Tytler, 26, 27.

making grants of lands. None of his assigns succeeded in establishing a colony, and he was himself too much impoverished to renew his efforts.

But the pupil of Coligny was possessed of an active genius, which delighted in hazardous adventure. To prosecute discoveries in the New World, lay the foundation of states, and acquire immense domains, appeared to the daring enterprise of Raleigh as easy designs, which would not interfere with the pursuit of favour and the career of glory in England. Before the limit of the charter had expired, Gilbert, assisted by his brother, equipped a new squadron. The fleet embarked under happy auspices; the commander, on the eve of his departure, received from Elizabeth a golden anchor guided by a lady, a token of the queen's regard; a man of letters from Hungary accompanied the expedition; and some part of the United States would have then been colonized, had not the unhappy projector of the design been overwhelmed by a succession of disasters. Two days after leaving Plymouth, the largest ship in the fleet, which had been furnished by Raleigh, who himself remained in England, deserted, under a pretence of infectious disease, and returned into harbour. Gilbert was incensed, but not intimidated. He sailed for Newfoundland; and, entering St. John's, he summoned the Spaniards and Portuguese, and other strangers, to witness the feudal ceremonies by which he took possession of the country for his sovereign. A pillar, on which the arms of England were infixed, was raised as a monument; and lands were granted to the fishermen in fee, on condition of the payment of a quit-rent. The "mineral-man" of the expedition, an honest and religious Saxon, was especially diligent; it was generally agreed that "the mountains made a show of mineral substance;" the Saxon protested on his life that silver ore bounded; he was charged to keep the discovery a profound secret; and, as there were so many foreign vessels in the vicinity, the precious ore was carried on board the larger ship with such mystery, that the dull Portuguese and Spaniards suspected nothing of the matter.

It was not easy for Gilbert to preserve order in the little fleet. Many of the mariners, infected with the vices which at that time degraded their profession, were no better than pirates, and were perpetually bent upon pillaging whatever ships fell in their way. At length, having

abandoned one of their barks, the English, now in three vessels only, sailed on further discoveries, intending to visit the coast of the United States. But they had not proceeded towards the south beyond the latitude of Wisconsin, when the largest ship, from the carelessness of the crew, struck and was wrecked. Nearly a hundred men perished; the "mineral-man" and the ore were all lost; nor was it possible to rescue Parmenius, the Hungarian scholar, who should have been the historian of the expedition.

It now seemed necessary to hasten to England. Gilbert had sailed in the *Squirrel*, a bark of ten tons only, and therefore convenient for entering harbours and approaching the coast. On the homeward voyage the brave admiral would not forsake his little company, with whom he had encountered so many storms and perils. A desperate resolution! The weather was extremely rough; the oldest mariner had never seen "more outrageous seas." The little frigate, not more than twice as large as the long-boat of a merchantman, "too small a bark to pass through the ocean sea at that season of the year," was nearly wrecked. The general, sitting abaft with a book in his hand, cried out to those in the *Hind*, "We are as neere to Heaven by sea as by land." That same night, about twelve o'clock, the lights of the *Squirrel* suddenly disappeared; and neither the vessel nor any of its crew, was ever again seen. The *Hind* reached Falmouth in safety.(1)

The bold spirit of Raleigh was not disheartened by 1584. the sad fate of his step-brother; but his mind resolved a settlement in a milder climate; and he was determined to secure to England those delightful countries from which the Protestants of France had been expelled. Having presented a memorial, he readily obtained from Elizabeth a patent (2) as ample as that which had been conferred on Gilbert. It was drawn according to the principles of feudal law, and with strict regard to the Christian faith, as professed in the Church of England. Raleigh was constituted a lord proprietary, with almost unlimited powers; holding his territories by homage and an inconsiderable rent, and possessing jurisdiction over an extensive region,

(1) On Gilbert, see Hayes, in Hakluyt, iii. 184—203; Parmenius to Hakluyt, iii. 203—205; Clark's Relation, *ibid.* 206—208; Gilbert to Peckham, in Purchas, iii. 808; Raleigh to Gilbert, in Tytler's Raleigh, 45.

(2) Hakluyt, iii. 297—301. Hazard, i. 33—38.

of which he had power to make grants according to his pleasure.

Expectations rose high, since the balmy regions of the south were now to be colonized; and the terrors of icy seas were forgotten in the hope of gaining a province in a clime of perpetual fertility, where winter hardly intruded to check the productiveness of nature. Two vessels, well laden with men and provisions, under the command of Philip Amidas and Arthur Barlow, buoyant with hope, set sail for the New World. They pursued the circuitous route by the Canaries and the islands of the West Indies; after a short stay in those islands, they sailed for the north, and were soon opposite the shores of Carolina. As they drew near land, the fragrance was "as if they had been in the midst of some delicate garden, abounding with all kinds of odoriferous flowers." They ranged the coast for a distance of one hundred and twenty miles, in search of a convenient harbour; they entered the first haven which offered, and, after thanks to God for their safe arrival, they landed to take possession of the country for the queen of England.

The spot on which this ceremony was performed was in the island of Wocoken, the southernmost of the islands forming Ocracock Inlet. The shores of North Carolina, at some periods of the year, cannot safely be approached by a fleet, from the hurricanes which sweep the air in those regions, and against which the formation of the coast offers no secure roadsteads and harbours. But in the month of July the sea was tranquil, the skies were clear, no storms were gathering, the air was agitated by none but the gentlest breezes, and the English commanders were in raptures with the beauty of the ocean, seen in the magnificence of repose, gemmed with islands, and expanding in the clearest transparency from cape to cape. The vegetation of that southern latitude struck the beholders with admiration; the trees had not their paragons in the world; the luxuriant vines, as they clambered up the loftiest cedars, formed graceful festoons; grapes were so plenty upon every little shrub, that the surge of the ocean, as it lazily rolled in upon the shore with the quiet winds of summer, dashed its spray upon the clusters; and natural arbours formed an impervious shade, that not a ray of the suns of July could penetrate. The forests were filled with birds; and, at the discharge of an arque-

buss, whole flocks would arise, uttering a cry, which the many echoes redoubled, till it seemed as if an army of men had shouted together.

The gentleness of the tawny inhabitants appeared in harmony with the loveliness of the scene. The desire of traffic overcame the timidity of the natives, and the English received a friendly welcome. On the Island of Roanoke they were entertained by the wife of Granganimeo, father of Wingina, the king, with the refinements of Arcadian hospitality. "The people were most gentle, loving, and faithful, void of all guile and treason, and such as lived after the manner of the golden age." They had no cares but to guard against the moderate cold of a short winter, and to gather such food as the earth almost spontaneously produced. And yet it was added, with singular want of comparison, that the wars of these guileless men were cruel and bloody; that domestic dissensions had almost exterminated whole tribes; that they employed the basest stratagems against their enemies; and that the practice of inviting men to a feast, that they might be murdered in the hour of confidence, was not merely a device of European bigots, but was known to the natives of Secotan. The English, too, were solicited to engage in a similar enterprise, under promise of lucrative booty.

The adventurers were satisfied with observing the general aspect of the New World; no extensive examination of the coast was undertaken; Pamlico and Albemarle Sound and Roanoke Island were explored, and some information gathered by inquiries from the Indians; the commanders had not the courage or the activity to survey the country with exactness. Having made but a short stay in America, they arrived in September in the west of England, accompanied by Manteo and Wanchese, two natives of the wilderness; and the returning voyagers gave such glowing descriptions of their discoveries, as might be expected from men who had done no more than sail over the smooth waters of a summer's sea, among "the hundred islands" of North Carolina.(1) Elizabeth,

(1) Amidas and Barlow's account, in Hakluyt, iii. 301—307. I have compared, on this and the following voyages, Smith's Virginia, i. 80—85; Stith, 8—12; Tytler's Raleigh, 47—54; Oldys, 55; Birch, 580, 581; Cayley, i. 33—46; Thomson, 32; Williamson's North Carolina, i. 28—37; and Martin's North Carolina, i. 9—12. I have followed exclusively the contemporaneous account, deriving, in the comparison of localities, much benefit from a MS. in my possession, by J. S. Jones, of Shocco, North Carolina.

as she heard their reports, esteemed her reign signalized by the discovery of the enchanting regions, and, as a memorial of her state of life, named them Virginia.

Nor was it long before Raleigh, elected to represent in parliament the county of Devon, obtained a bill confirming his patent of discovery;(1) and while he received the honour of knighthood as the reward of his valour, he also acquired a lucrative monopoly of wines, which enabled him to continue with vigour his schemes of colonization.(2) The prospect of becoming the proprietary of a delightful territory, with a numerous tenantry, who should yield him not only a revenue, but allegiance, inflamed his ambition; and, as the English nation listened with credulity to the descriptions of Amidas and Barlow, it was not difficult to gather a numerous company of emigrants. While a new patent(3) was issued to his friend for the discovery of the north-western passage, and the well-known voyages of Davis, sustained, in part, by the contributions of Raleigh himself, were increasing the acquaintance of Europe with the Arctic Sea, the plan of colonizing Virginia was earnestly and steadily pursued.

The new expedition was composed of seven vessels, 1585. and carried one hundred and eight colonists to the shores of Carolina. Ralph Lane, a man of considerable distinction, and so much esteemed for his services as a soldier that he was afterwards knighted by Queen Elizabeth, was willing to act for Raleigh as governor of the colony. Sir Richard Grenville, the most able and celebrated of Raleigh's associates, distinguished for bravery among the gallant spirits of a gallant age, assumed the command of the fleet. It sailed from Plymouth, accompanied by several men of merit, whom the world remembers;—by Cavendish, who soon after circumnavigated the globe; Harriot, the inventor of the system of notation in modern algebra,(4) the historian of the expedition; and With, an ingenious painter, whose sketches(5) of the natives, their habits and modes of life, were taken with beauty and exactness, and were the means of encouraging an interest in Virginia, by diffusing a knowledge of its productions.

To sail by the Canaries and the West Indies, to conduct

(1) D'Ewes's Journal, 339, 341.

(2) Tytler, 54, 55. Oldys, 58, 59.

(3) Hakluyt, iii. 129—157.

(4) Tytler, 66. Stith, 20. Playfair's Dissertation, p. i. s. i.

(5) In De Bry, part ii. They are also imitated in Beverley's Virginia.

a gainful commerce with the Spanish ports by intimidation; to capture Spanish vessels;—these were but the expected preliminaries of a voyage to Virginia. At length the fleet fell in with the main land of Florida; it was in great danger of being wrecked on the cape which was then first called the Cape of Fear; and two days after it came to anchor at Wocoken. The perils of the navigation on the shoals of that coast became too evident; the largest ship of the squadron, as it entered the harbour, struck, but was not lost. It was through Ocracock Inlet that the fleet made its way to Roanoke.

But the fate of this colony was destined to be influenced by the character of the natives. Manteo, the friend of the English, and who returned with the fleet from a visit to England, was sent to the main to announce their arrival. Grenville, accompanied by Lane, Hariot, Cavendish, and others, in an excursion of eight days, explored the coast as far as Secotan, and, as they relate, were well entertained of the savages. At one of the Indian towns a silver cup had been stolen; its restoration was delayed; with hasty cruelty Grenville ordered the village to be burnt and the standing corn to be destroyed. Not long after this action of inconsiderate revenge, the ships, having landed the colony, sailed for England; a rich Spanish prize, made by Grenville on the return voyage, secured him a courteous welcome as he entered the harbour of Plymouth. The transport ships of the colony were at the same time privateers.(1)

The employments of Lane and his colonists, after the departure of Sir Richard Grenville, could be none other than to explore the country; and in a letter, which he wrote while his impressions were yet fresh, he expressed himself in language of enthusiastic admiration. "It is the goodliest soil under the cope of heaven; the most pleasing territory of the world; the continent is of a huge and unknown greatness, and very well peopled and towned, though savagely. The climate is so wholesome that we have not one sick since we touched the land. If Virginia had but horses and kine, and were inhabited with English, no realm in Christendom were comparable to it."(2)

The keenest observer was Hariot, and he was often employed in dealing with "the natural inhabitants." He

(1) *The Voyage*, in Hakluyt, iii. 307—310.

(2) *Lane*, in Hakluyt, iii. 311.

carefully examined the productions of the country, those which would furnish commodities for commerce, and those which were in esteem among the natives. He observed the culture of tobacco; accustomed himself to its use, and was a firm believer in its healing virtues. The culture of maize, and the extraordinary productiveness of that grain, especially attracted his admiration; and the tuberous roots of the potato, when boiled, were found to be very good food. The inhabitants are described as too feeble to inspire terror; clothed in mantles and aprons of deer-skins; having no weapons but wooden swords and bows of witch-hazel with arrows of reeds; no armour but targets of bark and sticks wickered together with thread. Their towns were small, the largest containing but thirty dwellings. The walls of the houses were made of bark, fastened to stakes; and sometimes consisted of poles fixed upright, one by another, and at the top bent over and fastened, as arbours are sometimes made in gardens. But the great peculiarity of the Indians consisted in the want of political connection. A single town often constituted a government; a collection of ten or twenty wigwams was an independent state. The greatest chief in the whole country could not muster more than seven or eight hundred fighting men. The dialect of each government seemed a language by itself. The country which Hariot explored was on the boundary of the Algonquin race, where the Lenni Lenape tribes melted into the widely-differing nations of the south. The wars among themselves rarely led them to the open battle-field; they were accustomed rather to sudden surprises at daybreak or by moonlight, to ambushes and the subtle devices of cunning falsehood. Destitute of the arts, they yet displayed excellency of wit in all which they attempted. Nor were they entirely ignorant of religion; and to the credulity of fetichism they joined an undeveloped conception of the unity of the Divine Power. It is natural to the human mind to desire immortality; the natives of Carolina believed in continued existence after death, and in retributive justice. The mathematical instruments, the burning-glass, guns, clocks, and the use of letters, seemed the works of gods rather than of men; and the English were revered as the pupils and favourites of Heaven. In every town which Hariot entered he displayed the Bible, and explained its truths; the Indians revered the volume rather than its doctrines; and, with a

fond superstition, they embraced the book, kissed it, and held it to their breasts and heads, as if it had been an amulet. As the colonists enjoyed uniform health, and had no women with them, there were some among the Indians who imagined the English were not born of woman, and therefore not mortal; that they were men of an old generation, risen to immortality. The terrors of fire-arms the natives could neither comprehend nor resist; every sickness which now prevailed among them was attributed to wounds from invisible bullets, discharged by unseen agents, with whom the air was supposed to be peopled. They prophesied that "there were more of the English generation yet to come, to kill theirs and take their places;" and some believed that the purpose of extermination was already matured, and its execution begun.(1)

Was it strange, then, that the natives desired to be delivered from the presence of guests by whom they feared to be supplanted? The colonists were mad with the passion for gold; and a wily savage invented, respecting the River Roanoke and its banks, extravagant tales, which nothing but cupidity could have credited. The river, it was said, gushed forth from a rock, so near the Pacific Ocean that the surge of the sea sometimes dashed into its fountain; its banks were inhabited by a nation skilled in the art of refining the rich ore in which the country abounded. The walls of the city were described as glittering from the abundance of pearls. Lane was so credulous, that he attempted to ascend the rapid current of the Roanoke; and his followers, infatuated with greedy avarice, would not return till their stores of provisions were exhausted, and they had killed and eaten the very dogs which bore them company. On this attempt to explore the interior, the English hardly advanced higher up the river than some point near the present village of Williamstown.

The Indians had hoped to destroy the English by thus dividing them; but the prompt return of Lane prevented open hostilities. They next conceived the plan of leaving their lands unplanted; and they were willing to abandon their fields, if famine would in consequence compel the departure of their too-powerful guests. The suggestion was defeated by the moderation of one of their aged chiefs; but the feeling of enmity could not be restrained.

(1) Hariot, in Hakluyt, iii. 324—340.

The English believed that a wide conspiracy was preparing ; that fear of a foreign enemy was now teaching the natives the necessity of union ; and that a grand alliance was forming to destroy the strangers by a general massacre. Perhaps the English, whom avarice had certainly rendered credulous, were now precipitate in giving faith to the whispers of jealousy ; it is certain that, in the contest of dissimulation, they proved themselves the more successful adepts. Desiring an audience of Wingina, the most active among the native chiefs, Lane and his attendants were quickly admitted to his presence. No hostile intentions were displayed by the Indians ; their reception of the English was proof of their confidence. Immediately a preconcerted watchword was given ; and the Christians, falling upon the unhappy king and his principal followers, put them without mercy to death.

It was evident that Lane did not possess the qualities suited to his station. He had not the sagacity which could rightly interpret the stories or the designs of the natives ; and the courage, like the eye, of a soldier, differs from that of a traveller. His discoveries were inconsiderable : to the south they had extended only to Secotan, in the present county of Craven, between the Pamlico and the Neuse ; to the north they reached no farther than the small river Elizabeth, which joins the Chesapeake Bay below Norfolk ; in the interior, the Chowan had been examined beyond the junction of the Meherrin and the Nottaway ; and we have seen, that the hope of gold attracted Lane to make a short excursion up the Roanoke. Yet some general results of importance were obtained. The climate was found to be salubrious ; during the year, not more than four men had died,—and of these, three brought the seeds of their disease from Europe.⁽¹⁾ The hope of finding better harbours at the north was confirmed ; and the Bay of Chesapeake was already regarded as the fit theatre for early colonization. But in the Island of Roanoke, the men began to despond. They looked in vain towards the ocean for supplies from England ; they were sighing for the luxuries of the cities in their native land ; when of a sudden it was rumoured that the sea was white with the sails of three-and-twenty ships ; and within three days, Sir Francis Drake had anchored his fleet at

(1) *Harriot, in Hakluyt, iii. 340. True Declaration of Virginia, 32.*

sea outside of Roanoke Inlet, in "the wild road of their bad harbour."

He had come, on his way from the West Indies to England, to visit the domain of his friend. With the celerity of genius he discovered the measures which the exigency of the case required, and supplied the wants of Lane to the uttermost, giving him a bark of seventy tons, with pinnaces and small boats, and all needed provisions for the colony. Above all, he induced two experienced sea-captains to remain, and employ themselves in the action of discovery. Everything was furnished to complete the surveys along the coast and rivers, and, in the last resort, if suffering became extreme, to reconvey the emigrants to England.

At this time, an unwonted storm suddenly arose, and had nearly wrecked the fleet, which lay in a most dangerous position, and which had no security but in weighing anchor and standing away from the shore. When the tempest was over, nothing could be found of the boats and the bark which had been set apart for the colony. The humanity of Drake was not weary; he instantly devised measures for supplying the colony with the means of continuing their discoveries; but Lane shared the despondency of his men, and Drake yielded to their unanimous desire of permission to embark in his ships for England. Thus ended the first actual settlement of the English in America. The exiles of a year had grown familiar with the favourite amusements of the lethargic Indians, and they introduced into England the general use of tobacco.(1)

The return of Lane was a precipitate desertion; a little delay would have furnished the colony with ample supplies. A few days after its departure, a ship arrived, laden with all stores needed by the infant settlement. It had been despatched by Raleigh; but finding "the paradise of the world" deserted, it could only return to England. Another fortnight had hardly elapsed, when Sir Richard Grenville appeared off the coast with three well-furnished ships, and renewed the vain search for the departed colony. Unwilling that the English should lose possession of the

(1) On the Settlement, see Lane in Hakluyt, iii. 311—322, the original account. The reader may compare Camden, in Kennett, ii. 509, 510; Blith, 12—21; Smith, i. 86—99; Belknap, i. 213—216; Williamson, i. 87—81; Martin, i. 12—24; Tytler, 56—68; Thomson, c. i. and ii., and Appendix B.; Oldys, c. 65—71; Cayley, i. 46—81; Birch, 363, 364.

country, he left fifteen men on the Island of Roanoke, to be the guardians of English rights.(1)

Raleigh was not dismayed by ill success, nor borne down by losses. The enthusiasm of the people of England was diminished by the reports of the unsuccessful company of Lane; but the decisive testimony of Harriot to the excellence of the country, still rendered it easy to collect a new colony for America. The wisdom of Raleigh was particularly displayed in the policy which he now adopted. He determined to plant an agricultural state; to send emigrants with wives and families, who should at once make their homes in the New World; and, that life and property might be secured, he granted a charter of incorporation for the settlement, and established a municipal government for "the city of Raleigh." John White was appointed its governor; and to him, with eleven assistants, the administration of the colony was intrusted. A fleet of transport ships was prepared at the expense of the proprietary; "Queen Elizabeth, the god-mother of Virginia," declined contributing "to its education." The company, as it embarked, was cheered by the presence of women; and an ample provision of the implements of husbandry gave a pledge for successful industry. In July, they arrived on the coast of North Carolina; they were saved from the dangers of Cape Fear; and, passing Cape Hatteras, they hastened to the Isle of Roanoke, to search for the handful of men whom Grenville had left there as a garrison. They found the tenements deserted and overgrown with weeds; human bones lay scattered on the field; wild deer were reposing in the untenanted houses, and were feeding on the productions which a rank vegetation still forced from the gardens. The fort was in ruins. No vestige of surviving life appeared. The miserable men whom Grenville had left, had been murdered by the Indians.

The instructions of Raleigh had designated the place for the new settlement on the Bay of the Chesapeake. It marks but little union, that Fernando, the naval officer, eager to renew a profitable traffic in the West Indies, refused his assistance in exploring the coast, and White was compelled to remain on Roanoke. The fort of

(1) Hakluyt, iii. 323; Stith, 22; and Belknap, i. 217,—say fifty men acrossesail. Smith, i. 99, began the error.

Governor Lane, "with sundry decent dwelling-houses," had been built at the northern extremity of the island; it was there that the foundations of the city of Raleigh were laid. The Island of Roanoke is now almost uninhabited; commerce has selected securer harbours for its pursuits; the intrepid pilot and the hardy "wrecker," rendered adventurously daring by their familiarity with the dangers of the coast, and in their natures wild as the storms to which their skill bids defiance, unconscious of the associations by which they are surrounded, are the only tenants of the spot where the inquisitive stranger may yet discern the ruins of the fort, round which the cottages of the new settlement were erected.

But disasters thickened. A tribe of savages displayed implacable jealousy, and murdered one of the assistants. The mother and the kindred of Manteo welcomed the English to the Island of Croatan, and a mutual friendship was continued. But even this alliance was not unclouded. A detachment of the English, discovering a company of the natives whom they esteemed their enemies, fell upon them by night, as the harmless men were sitting fearlessly by their fires; and the havoc was begun before it was perceived that these were friendly Indians.

The vanities of life were not forgotten in the New World; and Manteo, the faithful Indian chief, "by the commandment of Sir Walter Raleigh," received Christian baptism, and was invested with the rank of a feudal baron, as the Lord of Roanoke. It was the first peerage erected by the English in America, and remained a solitary dignity, till Locke and Shaftesbury suggested the establishment of palatinates in Carolina, and Manteo shared his honours with the admired philosopher of his age.

As the time for the departure of the ship for England drew near, the emigrants became gloomy with apprehensions; they were conscious of their dependence on Europe; and they, with one voice, women as well as men, urged the governor to return and use his vigorous intercession for the prompt despatch of reinforcements and supplies. It was in vain that he pleaded a sense of honour, which called upon him to remain and share in person the perils of the colony which he was appointed to govern. He was forced to yield to the general importunity.

Yet, previous to his departure, his daughter, Eleanor

Dare, the wife of one of the assistants, gave birth to a female child, the first offspring of English parents on the soil of the United States. The infant was named from the place of its birth. The colony, now composed of eighty-nine men, seventeen women, and two children, whose names are all preserved, might reasonably hope for the speedy return of the governor, who, as he sailed for England, left with them, as hostages, his daughter and his grandchild, VIRGINIA DARE.

And yet even those ties were insufficient. The colony received no seasonable relief; and the further history of this neglected plantation is involved in gloomy uncertainty. The inhabitants of "the city of Raleigh," the emigrants from England and the first-born of America, failed, like their predecessors, in establishing an enduring settlement; but, unlike their predecessors, they awaited death in the land of their adoption. If America had no English town, it soon had English graves.(1)

For when White reached England, he found its whole attention absorbed by the threats of an invasion from Spain; and Grenville, Raleigh, and Lane, not less than Frobisher, Drake, and Hawkins, were engaged in planning measures of resistance. Yet Raleigh, whose patriotism

did not diminish his generosity, found means to despatch White with supplies in two vessels. But the company, desiring a gainful voyage rather than a safe one, ran in chase of prizes; till, at last, one of them fell in with men of war from Rochelle, and, after a bloody fight, was boarded and rifled. Both ships were compelled to return immediately to England, to the ruin of the colony and the displeasure of its author.(2) The delay was fatal; the independence of the English kingdom, and the security of the Protestant reformation were in danger; nor could the poor colonists of Roanoke be again remembered till after the discomfiture of the Invincible Armada.

Even when complete success against the Spanish fleet had crowned the arms of England, Sir Walter Raleigh, who had already incurred a fruitless expense of forty thousand pounds, found himself unable to continue the attempts at colonizing Virginia. Yet he did not despair

(1) The original account of White, in Hakluyt, iii. 340—348. The story is repeated by Smith, Stith, Keith, Burk, Belknap, Williamson, Martin, Thomson, Tytler, and others.

(2) Hakluyt, edition 1589, 771; quoted in Oldys, 98, 99.

of ultimate success; he admired the invincible constancy which would bury the remembrance of past dangers in the glory of annexing fertile provinces to his country; and as his fortune did not permit him to renew his exertions, he used the privilege of his patent to form a company of merchants and adventurers, who were endowed by his liberality with large concessions, and who, it was hoped, would replenish Virginia with settlers. Among the men who thus obtained an assignment of the proprietary's rights in Virginia, is found the name of Richard Hakluyt; it is the connecting link between the first efforts of England in North Carolina and the final colonization of Virginia. The colonists at Roanoke had emigrated with a charter; the new instrument (1) was not an assignment of Raleigh's patent, but extended a grant, already held ¹⁵⁸⁹ under its sanction, by increasing the number to whom the rights of that charter belonged.

Yet the enterprise of the adventurers languished, for it was no longer encouraged by the profuse liberality of Raleigh. More than another year elapsed before White (2) could return to search for his colony and his daughter; ¹⁵⁹⁰ and then the Island of Roanoke was a desert. An inscription on the bark of a tree pointed to Croatan; but the season of the year and the dangers from storms were pleaded as an excuse for an immediate return. Had the emigrants already perished? or had they escaped with their lives to Croatan, and, through the friendship of Manteo, become familiar with the Indians? The conjecture has been hazarded, (3) that the deserted colony, neglected by their own countrymen, were hospitably adopted into the tribe of Hatteras Indians, and became amalgamated with the sons of the forest. This was the tradition of the natives at a later day, and was thought to be confirmed by the physical character of the tribe, in which the English and the Indian race seemed to have been blended. Raleigh long cherished the hope of discovering some vestiges of their existence; and though he had abandoned the design of colonizing Virginia, he yet sent at his own charge, and, it is said, at five several times, (4) to search for his liege-men. But it was all in vain; imagination

(1) Hazard, i. 42—45.

(2) White, in Hakluyt, iii. 348, 349, and 350—357.

(3) Lawson's N. Carolina, 62.

(4) Purchas, iv. 1653.

received no help in its attempts to trace the fate of the colony of Roanoke.

The name of Raleigh stands highest among the statesmen of England who advanced the colonization of the United States, and his fame belongs to American history. No Englishman of his age possessed so various or so extraordinary qualities. Courage which was never daunted, mild self-possession, and fertility of invention, insured him glory in his profession of arms; and his services in the conquest of Cadiz, or the capture of Fayal, were alone sufficient to establish his fame as a gallant and successful commander. In every danger his life was distinguished by valour, and his death was ennobled by true magnanimity.

He was not only admirable in active life as a soldier; he was an accomplished scholar. No statesman in retirement ever expressed the charms of tranquil leisure more beautifully than Raleigh; and it was not entirely with the language of grateful friendship that Spenser described his "sweet verse as sprinkled with nectar," and rivaling the melodies of "the summer's nightingale."⁽¹⁾ When an unjust verdict, contrary to probability and the evidence, "against law and against equity," on a charge which seems to have been a pure invention, left him to languish for years in prison, with the sentence of death suspended over his head, his active genius plunged into the depths of erudition, and he who had been a soldier, a courtier, and a seaman, now became the elaborate author of a learned history of the world.

His career as a statesman was honourable to the pupil of Coligny and the contemporary of L'Hopital. In his public policy he was thoroughly an English patriot, jealous of the honour, the prosperity, and the advancement of his country; the inexorable antagonist of the pretensions of Spain. In Parliament he defended the freedom of domestic industry. When, by the operation of unequal laws, taxation was a burden upon industry rather than wealth, he argued for a change; (2) himself possessed of a lucrative monopoly, he gave his voice for the repeal of all monopolies; (3) and while he pertinaciously used his

(1) Sonnet prefixed to *Faery Queen*. *Faery Queen*, b. iii. Int. st. iv. Compare, also, Spenser's *Colin Clout's come home again*, verses 68—76, and *Faery Queen*, b. iii. c. vii. st. 36—41.

(2) *Tytler*, 229, 239.

(3) *D'Ewes*, 646. *Tytler*, 239.

influence with his sovereign to mitigate the severity of the judgments against the nonconformists, (1) as a legislator he resisted the sweeping enactment of persecuting laws. (2)

In the career of discovery his perseverance was never baffled by losses. He joined in the risks of Gilbert's expedition, contributed to the discoveries of Davis in the north-west, and himself personally explored "the insular regions and broken world" of Guiana. The sincerity of his belief in the wealth of the latter country has been unreasonably questioned. If Elizabeth had hoped for a hyperborean Peru in the arctic seas of America, why might not Raleigh expect to find the city of gold on the banks of the Oronoco? His lavish efforts in colonizing the soil of our republic, his sagacity, which enjoined a settlement within the Chesapeake Bay, the publications of Hariot and Hakluyt, which he countenanced, if followed by losses to himself, diffused over England a knowledge of America, as well as an interest in its destinies, and sowed the seeds, of which the fruits were to ripen during his lifetime, though not for him.

Raleigh had suffered from palsy (3) before his last expedition. He returned broken-hearted by the defeat of his hopes, by the decay of his health, and by the death of his eldest son. What shall be said of King James, who would open to an aged paralytic no other hope of liberty but through success in the discovery of mines in Guiana? What shall be said of a monarch who could, at that time, under a sentence which was originally unjust, (4) and which had slumbered for fifteen years, order the execution of the decrepit man, whose genius and valour shone brilliantly through the ravages of physical decay, and whose English heart, within a palsied frame, still beat with an undying love for his country?

The judgments of the tribunals of the Old World are often reversed by public opinion in the New. The family of the chief author of early colonization in the United States was reduced to beggary by the government of

(1) Oldys, 137—139.

(2) Thomson, 55. Oldys, 165, 166. D'Ewes, 517. Tytler, 122.

(3) Thomson, Appendix, note U. The original document.

(4) Hume, Rapin, Lingard, are less favourable to Raleigh. Even Hallam, i. 482—484, vindicates him with wavering boldness. A careful comparison of the accounts of these historians, the trial, and the biographies of Raleigh, proves him to have been, on his trial, a victim of jealousy, and entirely innocent of crime. No doubt he despised King James. See Tytler, 285—290.

England, and he himself was beheaded. After a lapse of nearly two centuries, the state of North Carolina, by 1792. a solemn act of legislation, revived in its capital, "THE CITY OF RALEIGH;" thus expressing its grateful respect for the memory of the extraordinary man, who united in himself as many kinds of glory as were ever combined in an individual.

The enthusiasm of Raleigh pervaded his countrymen. Imagination already saw beyond the Atlantic a people whose mother idiom should be the language of England. "Who knows," exclaimed Daniel, the poet laureate of that kingdom—

"Who in time knows whither we may vent
The treasures of our tongue? To what strange shores
This gain of our best glory shall be sent
T' enrich unknowing nations with our stores?
What worlds, in th' yet unformed Occident,
May 'come refined with th' accents that are ours?'"

1593. Already the fishing of Newfoundland was vaunted as the stay of the west countries. Some traffic may have continued with Virginia. Thus were men trained for the career of discovery; and in 1602, Bartholomew Gosnold, who, perhaps, had already sailed to Virginia, in the usual route, by the Canaries and West Indies, conceiving the idea of a direct voyage to America, with the concurrence of Raleigh, had well nigh secured to New England the honour of the first permanent English colony.

1602. Steering, in a small bark, directly across the Atlantic, in seven weeks he reached the continent of America in the Bay of Massachusetts, not far to the north of Nahant. (1) He failed to observe a good harbour, and, standing for the south, discovered the promontory which he called Cape Cod—a name which would not yield to that of the next monarch of England. Here he and four of his men landed; Cape Cod was the first spot in New England ever trod by Englishmen. Doubling the cape, and passing Nantucket, they again landed on a little island, now called No Man's Land, and afterwards passed round the promontory of Gay Head, naming it Dover Cliff. At length they entered Buzzard's Bay—a stately sound, which they called Gosnold's Hope: The westernmost of the islands was named Elizabeth, from the queen—a name which has been transferred to the whole group. Here they beheld the rank vegetation of a virgin soil; the noble forests; the

(1) Belknap's Biog. ii. 103. Williamson's Maine, i. 184, 185.

wild fruits and the flowers, bursting from the earth ; the eglantine, the thorn, and the honeysuckle, the wild pea, the tansy, and young sassafras ; strawberries, raspberries, grape-vines, all in profusion. There is on the island a pond, and within it lies a rocky islet ; this was the position which the adventurers selected for their residence. Here they built their storehouse and their fort ; and here the foundations of the first New England colony were to be laid. The natural features remain unchanged ; the island, the pond, the islet, are all yet visible ; the forests are gone ; the shrubs are as luxuriant as of old ; but the ruins of the fort can no longer be discerned.

A traffic with the natives on the main land, soon enabled Gosnold to complete his freight, which consisted chiefly of sassafras root, then greatly esteemed in pharmacy as a sovereign panacea. The little band, which was to have nestled on the Elizabeth Islands, finding their friends about to embark for Europe, despaired of obtaining seasonable supplies of food, and determined not to remain. Fear of an assault from the Indians, who had ceased to be friendly, the want of provisions, and jealousy respecting the distribution of the risks and profits, defeated the design. The whole party soon set sail and bore for England. The return voyage lasted but five weeks ; and the expedition was completed in less than four months, during which entire health had prevailed.(1)

Gosnold and his companions spread the most favourable reports of the regions which he had visited. Could it be that the voyage was so safe, the climate so pleasant, the country so inviting ? The merchants of Bristol, with the ready assent of Raleigh,(2) and at the instance of Richard Hakluyt, the enlightened friend and able documentary historian of these commercial enterprises, a man whose fame should be vindicated and asserted in the land which he helped to colonize, determined to pursue the career of investigation. The *Speedwell*, a small ship of fifty tons and thirty men, the *Discoverer*, a bark of twenty-six tons and thirteen men, under the command of Martin 1603. Pring, set sail for America a few days after the death of the queen. It was a private undertaking, and therefore

(1) Gosnold to his father, in Purchas, iv. 1646. Archer's Relation, *ibid.* iv. 1647—1651. Rosier's Notes, *ibid.* iv. 1651—1653. Brierton's Relation, *in Smith*, i. 105—108. Compare, particularly, Belknap's Life of Gosnold, *in Am. Biog. li.* 109—123.

(2) Purchas, iv. 1614.

not retarded by that event. The ship was well provided with trinkets and merchandise, suited to a traffic with the natives; and this voyage also was successful. It reached the American coast among the islands which skirt the harbours of Maine. The mouth of the Penobscot offered good anchorage and fishing. Pring made a discovery of the eastern rivers and harbours—the Saco, the Kennebunk, and the York; and the channel of the Piscataqua was examined for three or four leagues. Meeting no sassafras, he steered for the south; doubled Cape Ann; and went on shore in Massachusetts; but, being still unsuccessful, he again pursued a southerly track, and finally anchored in Old Town harbour, on Martha's Vineyard. The whole absence lasted about six months, and was completed without disaster or danger.⁽¹⁾ Pring, a few years later, repeated his voyage, and made a more accurate survey of Maine.

Enterprises for discovery were now continuous. Bartholomew Gilbert,⁽²⁾ returning from the West Indies, made an unavailing search for the colony of Raleigh. It was the last attempt to trace the remains of those unfortunate men. But as the testimony of Pring had confirmed the reports of Gosnold, the career of navigation was vigorously pursued. An expedition, promoted by the Earl of Southampton and Lord Arundel, of Wardour, and commanded by George Weymouth, who, in attempting a north-west passage, had already explored the coast of Labrador, now discovered the Penobscot River. Weymouth left England in March, and, in about six weeks, came in sight of the American continent near Cape Cod. Turning to the north, he approached the coast of Maine, and ascended the western branch of the Penobscot beyond Belfast Bay; where the deep channel of the broad stream, the abundance of its spacious harbours, the neighbouring springs and copious rivulets, compelled the experienced mariner to admire the noble river, which is just now beginning to have upon its banks and in its ports the flourishing settlements and active commerce that it is by nature so well adapted to sustain. Five natives were decoyed on board the ship, and Weymouth, returning to

(1) Purchas, iv. 1654—1656. Compare Belknap, ii. 123—133; Williamson's Maine, i. p. 185—187.

(2) Purchas, iv. 1666—1668.

England, gave three of them to Sir Ferdinand Gorges, a friend of Raleigh, and governor of Plymouth.(1)

Such were the voyages which led the way to the colonization of the United States. The daring and skill of these earliest adventurers upon the ocean deserve the highest admiration. The difficulties of crossing the Atlantic were new, and it required the greater courage to encounter hazards which ignorance exaggerated. The character of the prevalent winds and currents was unknown. The possibility of making a direct passage was but gradually discovered. The imagined dangers were infinite; the real dangers, exceedingly great. The ships at first employed for discovery were generally of less than one hundred tons burthen; Frobisher sailed in a vessel of but twenty-five tons; two of those of Columbus were without a deck; and so perilous were the voyages deemed, that the sailors were accustomed, before embarking, to perform solemn acts of devotion, as if to prepare for eternity. The anticipation of disasters was not visionary; Columbus was shipwrecked twice, and once remained for eight months on an island, without any communication with the civilized world; Hudson was turned adrift in a small boat by a crew whom suffering had rendered mutinous; Willoughby perished with cold; Roberval, Parmentier, Gilbert,—and how many others?—went down at sea; and such was the state of the art of navigation, that intrepidity and skill were unavailing against the elements without the favour of Heaven.

(1) Rosier's *Virginian Voyage*, &c. in Purchas, iv. 1659—1667. Gorges' *Brief Narration*, c. ii. Compare Belknap's *Am. Biog.* ii. 134—150; Williamson's *Maine*, i. 191—195. Strange with what reckless confidence Oldmixon, i. 219, 220, can blunder!

CHAPTER IV.

COLONIZATION OF VIRGINIA.

THE period of success in planting colonies in Virginia had arrived ; yet not till changes had occurred, affecting the character of European politics and society, and moulding the forms of colonization. The Reformation had interrupted the harmony of religious opinion in the west of Europe ; and differences in the Church began to constitute the basis of political parties. Commercial intercourse equally sustained a revolution. It had been conducted on the narrow seas and by land ; it now launched out upon the broadest waters ; and, after the East Indies had been reached by doubling the southern promontory of Africa, the great commerce of the world was performed upon the ocean. The art of printing had become known ; and the press diffused intelligence and multiplied the facilities of instruction. The feudal institutions which had been reared in the middle ages were already undermined by the current of time and events, and, swaying from their base, threatened to fall. Productive industry had, on the one side, built up the fortunes and extended the influence of the active classes ; while habits of indolence and of expense had impaired the estates and diminished the power of the nobility. These changes also produced corresponding results in the institutions which were to rise in America.

A revolution had equally occurred in the purposes for which voyages were undertaken. The hope of Columbus, as he sailed to the west, had been the discovery of a new passage to the East Indies. The passion for rapidly amassing gold soon became the prevailing motive. Next, the islands and countries near the equator were made the tropical gardens of the Europeans for the culture of such luxuries as the warmest regions only can produce. At last, the higher design was matured, not to plunder, nor to destroy, nor to enslave ; but to found states, to plant permanent Christian colonies, to establish for the oppressed and the enterprising places of refuge and abode, with all the elements of independent national existence.

The condition of England favoured adventure in America. A redundant population had existed even before the peace with Spain;(1) and the timid character of King James, throwing out of employment the gallant men who had served under Elizabeth by sea and land, left them no option but to engage as mercenaries in the quarrels of strangers, or incur the hazards of "seeking a New World."(2) The minds of many persons of intelligence, rank, and enterprise, were directed to Virginia. The brave and ingenious Gosnold, who had himself witnessed the fertility of the western soil, long solicited the concurrence of his friends for the establishment of a colony,(3) and at last prevailed with Edward Maria Wingfield, a grovelling merchant of the west of England, Robert Hunt, a clergyman of persevering fortitude and modest worth, and John Smith, the adventurer of rare genius and undying fame, to consent to risk their own lives and their hope of fortune in an expedition.(4) For more than a year this little company revolved the project of a plantation. At the same time Sir Ferdinand Gorges was gathering information of the native Americans, whom he had received from Weymouth, and whose descriptions of the country, joined to the favourable views which he had already imbibed, filled him with the strongest desire of becoming a proprietary of domains beyond the Atlantic. Gorges was a man of wealth, of rank, and of influence; he readily persuaded Sir John Popham, lord chief justice of England, to share his intentions.(5) Nor had the assigns of Raleigh become indifferent to "western planting;" the most distinguished of them all, Richard Hakluyt, the historian of maritime enterprise, still favoured the establishment of a colony by his personal exertions and the firm enthusiasm of his character. Possessed of whatever information could be derived from foreign sources and a correspondence with the eminent navigators of his times, and anxiously watching the progress of the attempts of Englishmen in the west, his extensive knowledge made him a counsellor in the enterprises which were attempted, and sustained in him

(1) Bacon on Queen Elizabeth.

(2) Gorges's Brief Narration, c. ii.

(3) Edmund Howes's Continuation of Stowe, 1618—a prime authority on Virginia. See Stith, 229.

(4) Smith, i. 149, or Purchas, iv. 1705; Stith, 35. Compare Hillard's *Life of Smith*, in Sparks's *American Biography*, ii. 177—407; also Belknap, *i. 239, 252.*

(5) Gorges, c. ii.—v.

and his associates the confidence which repeated disappointments did not exhaust.(1) Thus the cause of colonization obtained in England zealous and able defenders, who, independent of any party in religion or politics, believed that a prosperous state could be established by Englishmen in the temperate regions of North America.

The king of England, too timid to be active, yet too vain to be indifferent, favoured the design of enlarging his dominions. He had attempted in Scotland the introduction of the arts of life among the Highlanders and the Western Isles, by the establishment of colonies;(2) and the English plantations which he formed in the northern counties of Ireland are said to have contributed to the affluence and the security of that island.(3) When, therefore, a company of men of business and men of rank, formed by the experience of Gosnold, the enthusiasm of Smith, the perseverance of Hakluyt, the hopes of profit, and the extensive influence of Popham and Gorges,(4) applied to James I. for leave "to deduce a colony into Virginia," the monarch promoted the noble work by readily issuing an ample patent.

The first colonial charter,(5) under which the English were planted in America, deserves careful consideration. A belt of twelve degrees on the American coast, embracing the soil from Cape Fear to Halifax, excepting perhaps the little spot in Acadia then actually possessed by the French, was set apart to be colonized by two rival companies. Of these, the first was composed of noblemen, gentlemen, and merchants, in and about London; the second, of knights, gentlemen, and merchants, in the west. The London adventurers, who alone succeeded, had an exclusive right to occupy the regions from thirty-four to thirty-eight degrees of north latitude,—that is, from Cape Fear to the southern limit of Maryland; the western men had equally an exclusive right to plant between forty-one and forty-five degrees. The intermediate district, from thirty-eight

(1) Hakluyt, iii. *passim*, v. Dedication of Virginia valued. The first Virginia charter contains his name.

(2) Robertson's Scotland, b. viii.

(3) Leland's History of Ireland, li. 204—213. Lord Bacon's speech as Chancellor to the Speaker, Works, iii. 405.

(4) Gorges, c. v. and vi.

(5) See the Charter, in Hazard, i. 51—58; Stith's Appendix, 1—8; Henning's Statutes of Virginia at large, i. 57—66. In referring to this collection, I cannot but add, that no other state in the Union possesses so excellent a work on its legislative history.

to forty-one degrees, was open to the competition of both companies. Yet collision was not possible; for each was to possess the soil extending fifty miles north and south of its first settlement; so that neither could plant within one hundred miles of a colony of its rival. The conditions of tenure were homage and rent; the rent was no other than one-fifth of the net produce of gold and silver, and one-fifteenth of copper. The right of coining money was conceded, perhaps to facilitate commerce with the natives, who, it was hoped, would receive Christianity and the arts of civilized life. The superintendence of the whole colonial system was confided to a council in England; the local administration of each colony was intrusted to a council residing within its limits. The members of the superior council in England were appointed exclusively by the king; and the tenure of their office was his good pleasure. Over the colonial councils the king likewise preserved a control; for the members of them were from time to time to be ordained, made, and removed, according to royal instructions. Supreme legislative authority over the colonies, extending alike to their general condition and the most minute regulations, was likewise expressly reserved to the monarch. A hope was also cherished of an ultimate revenue to be derived from Virginia; a duty, to be levied on vessels trading to its harbours, was, for one-and-twenty years, to be wholly employed for the benefit of the plantation, at the end of that time it was to be taken for the king. To the emigrants it was promised that they and their children should continue to be Englishmen,—a concession which secured them rights on returning to England, but offered no barrier against colonial injustice. Lands were to be held by the most favourable tenure.

Thus the first written charter of a permanent American colony, which was to be the chosen abode of liberty, gave to the mercantile corporation nothing but a desert territory, with the right of peopling and defending it, and reserved to the monarch absolute legislative authority, the control of all appointments, and a hope of an ultimate revenue. To the emigrants themselves it conceded not one elective franchise, not one of the rights of self-government. They were subjected to the ordinances of a commercial corporation, of which they could not be members; to the dominion of a domestic council, in appointing which they had no voice; to the control of a superior council in

England, which had no sympathies with their rights; and, finally, to the arbitrary legislation of the sovereign. Yet, bad as was this system, the reservation of power to the king, a result of his vanity rather than of his ambition, had, at least, the advantage of mitigating the action of the commercial corporation. The check would have been complete, had the powers of appointment and legislation been given to the people of Virginia.(1)

The summer was spent by the patentees in preparations for planting a colony, for which the vain glory of the king found a grateful occupation in framing a code of laws;(2) an exercise of royal legislation which has been pronounced in itself illegal.(3) The superior council in England was permitted to name the colonial council, which was constituted a pure aristocracy, entirely independent of the emigrants whom they were to govern; having power to elect or remove its president, to remove any of its members, and to supply its own vacancies. Not an element of popular liberty was introduced into the form of government. Religion was specially enjoined to be established according to the doctrine and rites of the Church of England; and no emigrant might withdraw his allegiance from King James, or avow dissent from the royal creed. Lands were to descend according to the common law. Not only murder, manslaughter, and adultery, but dangerous tumults and seditions were punishable by death; so that the security of life depended on the discretion of the magistrate, restricted only by the necessity of a trial by jury. All civil causes, requiring corporal punishment, fine, or imprisonment, might be summarily determined by the president and council, who also possessed full legislative authority in cases not affecting life or limb. Kindness to the savages was enjoined, with the use of all proper means for their conversion. It was further, and most unwisely, though probably at the request of the corporation, ordered, that the industry and commerce of the respective colonies should for five years, at least, be conducted in a joint stock. The king also reserved to himself the right of future legislation.

Thus were the political forms of the colony established, when, on the nineteenth day of December, in the year of

(1) Compare Chalmers, 13—15; Story on the Constitution, i. 22—24.

(2) See the instrument, in Hening, i. 67—75. Compare also Sitth's Virginia, 37—41; Burk's Virginia, i. 86—92.

(3) Chalmers, 15.

our Lord one thousand six hundred and six, one hundred and nine years after the discovery of the American continent by Cabot, forty-one years from the settlement of Florida, the little squadron of three vessels, the largest not exceeding one hundred tons burthen,(1) bearing one hundred and five men, destined to remain, set sail for a harbour in Virginia.

The voyage began under inauspicious omens. Of the one hundred and five on the list of emigrants, there were but twelve labourers, and very few mechanics.(2) They were going to a wilderness, in which, as yet, not a house was standing; and there were forty-eight gentlemen to four carpenters. Neither were there any men with families. It was evident a commercial and not a colonial establishment was designed by the projectors. Dissensions sprung up during the voyage; as the names and instructions of the council had, by the folly of James, been carefully concealed in a box, which was not to be opened till after the arrival in Virginia, no competent authority existed to check the progress of envy and disorder.(3) The genius of Smith excited jealousy; and hope, the only power
1607. which can still the clamours and allay the feuds of the selfish, early deserted the colonists.

Newport, who commanded the ships, was acquainted with the old passage, and, consuming the whole of the early spring in a navigation which should have been completed in February, sailed by way of the Canaries and the West India Islands. As he turned to the north, a severe storm carried his fleet beyond the settlement of Raleigh, into the magnificent Bay of the Chesapeake.(4) The head-lands received and retain the names of Cape Henry and Cape Charles, from the sons of King James; the deep water for anchorage, "putting the emigrants in good comfort," gave a name to the Northern Point; and within the capes a country opened, which appeared to the emigrants to "claim the prerogative over the most pleasant places in the world." Hope revived for a season, as they advanced. "Heaven and earth seemed never to have agreed better to frame a place for man's commodious and delightful habitation."(5) A noble river was soon en-

(1) Smith's Virginia, i. 150.

(2) See the names in Smith, i. 153, and in Purchas, iv. 1706.

(3) Smith, i. 150. Chalmers, 17.

(4) Smith, i. 150. Stith, 44.

(5) Smith, i. 114. Stith, 46.

tered, which was named from the monarch; and, after a search of seventeen days, during which they encountered the hostility of one little savage tribe, and at Hampton smoked the calumet of peace with another, the peninsula of Jamestown, about fifty miles above the mouth of the stream, was selected for the site of the colony.

Thus admirable was the country. The emigrants themselves were weakened by divisions, and degraded by jealousy. So soon as the members of the council were duly constituted, they proceeded to choose Wingfield president; and then, as by their instructions they had power to do, they excluded Smith from their body, on a charge of sedition. But as his only offence consisted in the possession of enviable qualities, the attempt at his trial was abandoned,(1) and by "the good doctrine and exhortation" of the sincere Hunt, the man without whose aid the vices of the colony would have caused its immediate ruin, was soon restored to his station.(2)

While the men were busy in felling timber and providing freight for the ships, Newport and Smith and twenty others ascended the James River to the falls. They visited the native chieftain Powhatan, who has been styled "the emperor of the country," at his principal seat, just below the falls of the river at Richmond. The imperial residence was a village of twelve wigwams! The savages murmured at the intrusion of strangers into the country; but Powhatan disguised his fear, and would only say, "They hurt you not; they take but a little waste land." (3)

About the middle of June, Newport set sail for England. What condition could be more pitiable than that of the English whom he had left in Virginia? The proud hopes which the beauty of the country had excited, soon vanished; and as the delusion passed away, they awoke and beheld that they were in the wilderness. Weak in numbers, and still weaker from want of habits of industry, they were surrounded by natives whose hostility and distrust had already been displayed; the summer heats were intolerable to their labourers; the moisture of the climate generated disease; and the fertility of the

(1) Smith, i. 151. Stith, 45.

(2) Stith, 47. Smith, i. 152, 153.

(3) Percy, in Purchas, iv. 1699.

soil, covered with a rank luxuriance of forest, increased the toil of culture. Their scanty provisions had become spoiled on the long voyage. "Our drink," say they, "was unwholesome water; our lodgings, castles in the air: had we been as free from all sins as from gluttony and drunkenness, we might have been canonized for saints." Despair of mind ensued; so that, in less than a fortnight after the departure of the fleet, "hardly ten of them were able to stand;" the labour of completing some simple fortifications was exhausting; and no regular crops could be planted. During the summer, there were not, on any occasion, five able men to guard the bulwarks; the fort was filled in every corner with the groans of the sick, whose outcries, night and day, for six weeks, rent the hearts of those who could minister no relief. Many times, three or four died in a night; in the morning, their bodies were trailed out of the cabins, like dogs, to be buried. Fifty men, one half of the colony, perished before autumn; among them Bartholomew Gosnold, the projector of the settlement, a man of rare merits, worthy of a perpetual memory in the plantation,⁽¹⁾ and whose influence had alone thus far preserved some degree of harmony in the council.⁽²⁾

Disunion completed the scene of misery. It became necessary to depose Wingfield, the avaricious president, who was charged with engrossing the choicest stores, and who was on the point of abandoning the colony and escaping to the West Indies. Ratcliffe, the new president, possessed neither judgment nor industry; so that the management of affairs fell into the hands of Smith, whose deliberate enterprise and cheerful courage alone diffused light amidst the general gloom. He possessed by nature the buoyant spirit of heroic daring. In boyhood he had sighed for the opportunity of "setting out on brave adventures;" and though not yet thirty years of age, he was already a veteran in the service of humanity and of Christendom. His early life had been given to the cause of freedom in the Low Countries, where he had fought for the independence of the Batavian Republic. Again, as a traveller, he had roamed over France; had visited the

(1) Edmund Howes, 1018.

(2) Smith, i. 154. Percy, in Purchas, iv. 1690. Smith and Percy were both eye-witnesses.

shores of Egypt; had returned to Italy; and, panting for glory, had sought the borders of Hungary, where there had long existed an hereditary warfare with the followers of Mahomet. It was there that the young English cavalier distinguished himself by the bravest feats of arms, in the sight of Christians and infidels, engaging fearlessly and always successfully in the single combat with the Turks, which, from the days of the crusades, had been warranted by the rules of chivalry. His signal prowess gained for him the favour of Sigismund Bathori, the unfortunate prince of Transylvania. At length he, ^{1602.} with many others, was overpowered in a sudden skirmish among the glens of Wallachia, and was left severely wounded in the field of battle. A prisoner of war, he was now, according to the Eastern custom, offered for sale "like a beast in a market-place," and was sent to Constantinople as a slave. A Turkish lady had compassion on his misfortunes and his youth, and, designing to restore him to freedom, removed him to a fortress in the Crimea. Contrary to her commands, he was there subjected to the harshest usage among half-savage serfs. Rising against his taskmaster, whom he slew in the struggle, he mounted a horse, and through forest paths escaped from thralldom to the confines of Russia. Again the hand of woman relieved his wants; he travelled across the country to Transylvania, and, there bidding farewell to his companions in arms, he resolved to return "to his own sweet country." But, as he crossed the continent, he heard the rumours of civil war in Northern Africa, and hastened, in search of untried dangers, to the realms of Morocco. At length returning to England, his mind did not so much share as appropriate to itself the general enthusiasm for planting states in America; and now ^{1607.} the infant commonwealth of Virginia depended for its existence on his firmness. His experience in human nature under all its forms, and the cheering vigour of his resolute will, made him equal to his duty. He inspired the natives with awe, and quelled the spirit of anarchy and rebellion among the emigrants. He was more wakeful to gather provisions than the covetous to find gold; and strove to keep the country more than the faint-hearted to abandon it. As autumn approached, the Indians, from the superfluity of their harvest, made a voluntary offering; and supplies were also collected by expeditions into the in-

terior. But the conspiracies, that were still formed, to desert the settlement, first by the selfish Wingfield, and again by the imbecile Ratcliffe, could be defeated only after a skirmish, in which one of the leaders was killed; and the danger of a precipitate abandonment of Virginia continued to be imminent, till the approach of winter, when not only the homeward navigation became perilous, but the fear of famine was removed by the abundance of wild fowl and game.(1) Nothing then remained but to examine the country.

The South Sea was considered the ocean-path to every kind of wealth. The coast of America on the Pacific had been explored by the Spaniards, and had been visited by Drake; the collections of Hakluyt had communicated to the English the results of their voyages, and the maps of that day exhibited a tolerably accurate delineation of the continent of North America. With singular ignorance of the progress of geographical knowledge, it had been expressly enjoined on the colonists to seek a communication with the South Sea by ascending some stream which flowed from the north-west.(2) The Chickahominy was such a stream. Smith, though he did not share the ignorance of his employers, was ever willing to engage in discoveries. Leaving the colonists to enjoy the abundance which winter had brought, he not only ascended the river as far as he could advance in boats, but struck into the interior. His companions disobeyed his instructions, 1607. and, being surprised by the Indians, were put to death. Smith himself, who, in the plains of the Crimea and of Southern Russia, had become acquainted with the superstitions and the manners of wandering tribes, did not beg for life, but preserved it by the calmness of self-possession. Displaying a pocket compass, he amused the savages by an explanation of its powers, and increased their admiration of his superior genius, by imparting to them some vague conceptions of the form of the earth and the nature of the planetary system. To the Indians, who retained him as their prisoner, his captivity was a more strange event than anything of which the traditions of their tribes preserved the memory. He was allowed to send a letter to the fort at Jamestown; and the savage wonder was increased; for he seemed, by some magic, to

(1) *Smith*, i. 1—54, and 134, 135. *Purchas*, iv. 1690. *Stith*, 43.

(2) *Stith*, 43.

andow the paper with the gift of intelligence. The curiosity of all the clans of the neighbourhood was awakened by the prisoner; he was conducted in triumph from the settlements on the Chickahominy to the Indian villages on the Rappahannock and the Potomac; and thence, through other towns, to the residence of Opechancanough, at Pamunkey. There, for the space of three days, they practised incantations and ceremonies, in the hope of obtaining some insight into the mystery of his character and his designs. It was evident that he was a being of a higher order: was his nature benificent, or was he to be dreaded as a dangerous enemy? Their minds were bewildered, as they beheld his calm fearlessness; and they sedulously observed towards him the utmost reverence and hospitality, as if to propitiate his power, should he be rescued from their hands. The decision of his fate was referred to Powhatan, who was then residing in what is now Gloucester county, on York River, at a village to which Smith was conducted through the regions, now so celebrated, where the youthful Lafayette hovered upon the skirts of Cornwallis, and the arms of France and the Confederacy were united to achieve the crowning victory of American independence. The passion of vanity rules in forests as well as in cities; the grim warriors, as they met in council, displayed their gayest apparel before the Englishman, whose doom they had assembled to pronounce. The fears of the feeble aborigines were about to prevail; and his immediate death, already repeatedly threatened and repeatedly delayed, would have been inevitable, but for the timely intercession of Pocahontas, the daughter of Powhatan, a girl "of tenne" or "twelve" "years old; which not only for feature, countenance, and expression, much exceeded any of the rest of his people, but for wit and spirit, was the only nonpareil of the country." The gentle feelings of humanity are the same in every race, and in every period of life; they bloom, though unconsciously, even in the bosom of a child. Smith had easily won the confiding fondness of the Indian maiden; and now the impulse of mercy awakened within her breast; she clung firmly to his neck, as his head was bowed to receive the strokes of the tomahawk. Did the childlike superstition of her kindred reverence her interference as a token from a superior power? Her fearlessness and her entreaties persuaded

the council to spare the agreeable stranger, who might make hatchets for her father, and rattles and strings of beads for herself, the favourite child. The barbarians, whose decision had long been held in suspense by the mysterious awe which Smith had inspired, now resolved to receive him as a friend, and to make him a partner of their councils. They tempted him to join their ^{1608.} bands, and lend assistance in an attack upon the white men at Jamestown; and when his decision of character succeeded in changing the current of their thoughts, they dismissed him with mutual promises of friendship and benevolence. Thus the captivity of Smith did itself become a benefit to the colony; for he had not only observed with care the country between the James and the Potomac, and had gained some knowledge of the language and manners of the natives, but he now established a peaceful intercourse between the English and the tribes of Powhatan; and, with her companions, the child who had rescued him from death, afterwards came every few days to the fort with baskets of corn for the garrison.⁽¹⁾

Returning to Jamestown, Smith found the colony reduced to forty men; and of these, the strongest were again preparing to escape with the pinnace. This third attempt at desertion he repressed at the hazard of his life.⁽²⁾ Thus passed the first few months of colonial existence in discord and misery; despair relieved and ruin prevented, by the fortitude of one man, and the benevolence of an Indian girl.

Meantime, the council in England, having received an increase of its numbers and its powers, determined to send out new recruits and supplies; and Newport had hardly returned from his first voyage, before he was again despatched with one hundred and twenty emigrants. Yet the joy in Virginia on their arrival was of short continuance; for the new comers were chiefly vagabond gentlemen and goldsmiths, who, in spite of the remonstrances of Smith, gave a wrong direction to the industry of the

(1) Smith, i. 158—162, and ii. 29—33. The account is fully contained in the oldest book printed on Virginia, in our Cambridge library. It is a thin quarto, in black letter, by John Smith, printed in 1608: "A True Relation of such occurrences and accidents of note, as hath happened in Virginia since the first planting of that Colony, which is now resident in the South part thereof, till the last returne."

(2) Smith, i. 163, 164.

colony. They believed they had discovered grains of gold in a glittering earth which abounded near Jamestown; and "there was now no talk, no hope, no work, but dig gold, wash gold, refine gold, load gold." The refiners were enamoured of their skill. Martin, one of the council, promised himself honours in England as the discoverer of a mine; and Newport, having made an unnecessary stay of fourteen weeks, and having, in defiance of the assurances of Powhatan, expected to find the Pacific just beyond the falls in James River, believed himself immeasurably rich, as he embarked for England with a freight of worthless earth.(1)

Disgusted at the follies which he had vainly opposed, Smith undertook the perilous and honourable office of exploring the vast Bay of the Chesapeake, and the numerous rivers which are its tributaries. Two voyages, made in an open boat, with a few companions, over whom his superior courage, rather than his station as a magistrate, gave him authority, occupied him about three months of the summer, and embraced a navigation of nearly three thousand miles.(2) The slenderness of his means has been contrasted with the dignity and utility of his discoveries, and his name has been placed in the highest rank with the distinguished men who have enlarged the bounds of geographical knowledge, and opened the way by their investigations for colonies and commerce. He surveyed the Bay of the Chesapeake to the Susquehannah, and left only the borders of that remote river to remain for some years longer the fabled dwelling-place of a giant progeny.(3) He was the first to make known to the English the fame of the Mohawks, "who dwelt upon a great water, and had many boats, and many men," and, as it seemed to the feeble Algonquin tribes, "made war upon all the world:" in the Chesapeake Bay he encountered a little fleet of their canoes.(4) The Patapsco was discovered and explored, and Smith probably entered the harbour of Baltimore.(5) The majestic Potomac, which at its mouth is seven miles broad, especially invited curiosity; and, passing beyond the heights of Vernon and the city of Washington, he ascended to the falls above Georgetown.(6) Nor did he merely explore the rivers and inlets. He

(1) Smith, i. 165—172.

(2) Smith, i. 173—192, ii. 100.

(3) Park, i. 123.

(4) Smith, i. 181—183.

(5) Stith, 64.

(6) Compare Smith, i. 177, with Stith, 65, and Smith's map.

penetrated the territories, established friendly relations with the native tribes, and laid the foundation for future beneficial intercourse. The map (1) which he prepared and sent to the company in London (2) is still extant, and delineates correctly the great outlines of nature. The expedition was worthy the romantic age of American history.

Three days after his return, Smith was made president of the council. Order and industry began to be diffused by his energetic administration, when Newport, with a second supply, entered the river. About seventy new emigrants arrived; two of them, it merits notice, were females. The angry covetousness of a greedy but disappointed corporation was now fully displayed. As if their command could transmute minerals, narrow the continent, and awaken the dead, they demanded a lump of gold, or a certain passage to the South Sea, or, a feigned humanity added, one of the lost company, sent by Sir Walter Raleigh. (3) The charge of the voyage was two thousand pounds; unless the ship should return full freighted with commodities, corresponding in value to the costs of the adventure, the colonists were threatened that "they should be left in Virginia as banished men." (4) Neither had experience taught the company to engage suitable persons for Virginia. "When you send again," Smith was obliged to write, "I entreat you rather send but thirty carpenters, husbandmen, gardeners, fishermen, blacksmiths, masons, and diggers up of trees' roots, well provided, than a thousand of such as we have."

After the departure of the ships, Smith employed his authority to enforce industry. Six hours in the day were spent in work; the rest might be given to pastime. The gentlemen had been taught the use of the axe, and had become accomplished woodcutters. "He who would not work, might not eat;" and Jamestown assumed the appearance of a regular place of abode. Yet so little land had been cultivated—not more than thirty or forty acres in all—that it was still necessary for English-

(1) In the Richmond edition, opposite page 149; in Purchas, iv. opposite page 1691.

(2) Smith's letter, in Hist. i. 202.

(3) Smith, i. 192, 193.

(4) Smith's letter, in History, i. 200, 201; also, Smith's advertisements for the unexperienced, in iii. Mass. Hist. Coll. iii. 10.

men to solicit food from the indolent Indians, and Europeans, to preserve themselves from starving, were billeted among the sons of the forest. Thus the season passed away; of two hundred in the colony, not more than seven died.(1)

The golden anticipations of the London company had not been realized. But the cause of failure appeared in the policy, which had grasped at sudden emoluments;(2) the enthusiasm of the English seemed exalted by the train of misfortunes; and more vast and honourable plans(3) were conceived, which were to be effected by more numerous and opulent associates. Not only were the limits of the colony extended, the company was enlarged by the subscriptions of many of the nobility and gentry of England, and of the tradesmen of London; and the name of the powerful Cecil, the inveterate enemy and successful rival of Raleigh, appears at the head of those(4) who were to carry into execution the vast design to which Raleigh, now a close prisoner in the tower, had first awakened the attention of his countrymen. At the request of the corporation, which was become a very powerful body, without any regard to the rights or wishes of those who had already emigrated under the sanction of existing laws, the constitution of Virginia was radically changed.

The new charter(5) transferred to the company the powers which had before been reserved to the king. The supreme council in England was now to be chosen by the stockholders themselves, and, in the exercise of the powers of legislation and government, was independent of the monarch. The governor in Virginia might rule the colonists with uncontrolled authority, according to the tenor of the instructions and laws established by the council, or, in want of them, according to his own good discretion, even in cases capital and criminal, not less than civil; and, in the event of mutiny or rebellion, he might declare martial law, being himself the judge of the necessity of the measure, and the executive officer in its administration. Thus the lives, liberty, and fortune of the colonists were placed at the arbitrary will of a governor who was to be

(1) Smith, i. 202, 222—229.

(2) Smith, in iii. Mass. Hist. Coll. iii. 10—12.

(3) Hakluyt's *Dedication of Virginia* richly valued.

(4) Hening, i. 81—88.

(5) In Hening, Stith, and Hazard, ii.

appointed by a commercial corporation. As yet not one valuable civil privilege was conceded to the emigrants.(1)

Splendid as were the auspices of the new charter, unlimited as were the powers of the patentees, the next events in the colony were still more disastrous. Lord Delaware,(2) distinguished for his virtues as well as rank, received the appointment of governor and captain-general for life; an avarice which would listen to no possibility of defeat, and which already dreamed of a flourishing empire in America, surrounded him with stately officers, suited by their titles and nominal charges to the dignity of an opulent kingdom.(3) The condition of the public mind favoured colonization; swarms of people desired to be transported; and the adventurers, with cheerful alacrity, contributed free-will offerings.(4) The widely-diffused enthusiasm soon enabled the company to despatch a fleet of nine vessels, containing more than five hundred emigrants. The admiral of the fleet was Newport, who, with Sir Thomas Gates and Sir George Somers, was authorized to administer the affairs of the colony till the arrival of Lord Delaware.(5)

The three commissioners had embarked on board the same ship.(6) When near the coast of Virginia, a hurricane (7) separated the admiral from the rest of his fleet, and his vessel was stranded on the rocks of the Bermudas. A small ketch perished; and(8) seven ships only arrived in Virginia.

A new dilemma ensued. The old charter was abrogated; and, as there was in the settlement no one who had any authority from the new patentees, anarchy seemed at hand. The emigrants of the last arrival were dissolute gallants, packed off to escape worse destinies at home,(9) broken tradesmen, gentlemen impoverished in spirit and

(1) Chalmers, 25.

(2) Walpole's *Royal and Noble Authors*, enlarged by Th. Park, ii. 180-183.

(3) Smith, in iii. *Mass. Hist. Coll.* in 11, and Smith, ii. 106.

(4) *True Declaration of Virginia*, published by the Council of Virginia, in 1619, p. 59—a leading authority.

(5) Smith, i. 233, 234; or Purchas, iv. 1729.

(6) *True Declaration*, 19 and 21.

(7) Archer's letter, in Purchas, iv. 1733, 1734. Secretary Strachy's account, in Purchas, iv. 1735—1738. *True Declaration of Virginia*, 21—26.

(8) Smith, i. 234.

(9) *Ibid.* i. 235. Stith, 103.

fortune; rakes and libertines, men more fitted to corrupt than to found a commonwealth. It was not the will of God that the new state should be formed of these materials; that such men should be the fathers of a progeny, born on the American soil, who were one day to assert American liberty by their eloquence, and defend it by their valour. Hopeless as the determination appeared, Smith resolutely maintained his authority over the unruly herd, and devised new expeditions and new settlements, to furnish them occupation and support. At last, an accidental explosion of gunpowder disabled him, by inflicting wounds which the surgical skill of Virginia could not relieve.(1) Delegating his authority to Percy, he embarked for England. Extreme suffering from his wounds and the ingratitude of his employers were the fruits of his services. He received, for his sacrifices and his perilous exertions, not one foot of land, not the house he himself had built, not the field his own hands had planted, nor any reward but the applause of his conscience and the world.(2) He was the Father of Virginia, the true leader who first planted the Saxon race within the borders of the United States. His judgment had ever been clear in the midst of general despondency. He united the highest spirit of adventure with consummate powers of action. His courage and self-possession accomplished what others esteemed desperate. Fruitful in expedients, he was prompt in execution. Though he had been harassed by the persecutions of malignant envy, he never revived the memory of the faults of his enemies. He was accustomed to lead, not to send his men to danger; would suffer want rather than borrow, and starve sooner than not pay.(3) He had nothing counterfeit in his nature; but was open, honest, and sincere. He clearly discerned, that it was the true interest of England not to seek in Virginia for gold and sudden wealth, but to enforce regular industry. "Nothing," said he, "is to be expected thence, but by labour."(4)

The colonists, no longer controlled by an acknowledged

(1) Smith, i. 239.

(2) Smith, ii. 102. Virginia's Verger, in Purchas, iv. 1815.

(3) Smith, i. 241. It is hardly necessary to add, that much of Smith's "General Historie" is a compilation of the works of others. Compare Belknap, i. 303, 304.

(4) Answers in Smith, ii. 166.

authority, were soon abandoned to improvident idleness. Their ample stock of provisions was rapidly consumed; and further supplies were refused by the Indians, whose friendship had been due to the personal influence of Smith, and who now regarded the English with a fatal contempt. Stragglers from the town were cut off; parties who begged food in the Indian cabins, were deliberately murdered; and plans were laid to starve and destroy the whole company. The horrors of famine ensued; while a band of about thirty, seizing on a ship, escaped to become pirates, and to plead their desperate necessity as an excuse for their crimes.(1) Smith, at his departure, had left more than four hundred and ninety persons in the colony;(2) in six months, indolence, vice, and famine reduced the number to sixty; and these were so feeble and dejected, that, if relief had been delayed but ten days longer, they also must have utterly perished.(3)

Sir Thomas Gates and the passengers, whose ship 1619. had been wrecked on the rocks of the Bermudas, had reached the shore without the loss of a life. The liberal fertility of the uninhabited island, teeming with natural products, for nine months sustained them in affluence. From the cedars which they felled, and the wrecks of their old ship, they, with admirable perseverance, constructed two vessels, in which they now embarked for Virginia,(4) in the hope of a happy welcome to the abundance of a prosperous colony. How great, then, was their horror, as they came among the scenes of death and misery, of which the gloom was increased by the prospect of continued scarcity! Four pinnaces remained in the river; nor could the extremity of distress listen to any other course than to sail for Newfoundland, and seek safety by dispersing the company among the ships of English fishermen.(5) The colonists—such is human nature—desired to burn the town in which they had been so wretched, and the exercise of their infantile vengeance was prevented only by the energy of Gates,(6) who was himself the last

(1) True Declaration, 35—39. Compare Stith, 116, 117; Smith, ii. 2.

(2) Smith, i. 240.

(3) Purchas, iv. 1732 and 1766; Stith, 117; True Declaration, 47, or Smith, ii. 4, says four days.

(4) True Declaration of Virginia, 23—26.

(5) Ibid. 43, 44.

(6) Ibid. 45. Smith, ii. 3.

to desert the settlement. "None dropped a tear, for none had enjoyed one day of happiness." They fell down the stream with the tide; but, the next morning, as they drew near the mouth of the river, they encountered the long-boat of Lord Delaware, who had arrived on the coast with emigrants and supplies. The fugitives bore up the helm, and, favoured by the wind, were that night once more at the fort in Jamestown.(1)

It was on the 10th day of June that the restoration of the colony was solemnly begun by supplications to God. A deep sense of the infinite mercies of his providence overawed the colonists who had been spared by famine, the emigrants who had been shipwrecked and yet preserved, and the new comers who found wretchedness and want where they had expected the contentment of abundance. The firmness of their resolution repelled despair. "It is," said they, "the arm of the Lord of Hosts, who would have his people pass the Red Sea and the wilderness, and then possess the land of Canaan." (2) Dangers avoided inspire trust in Providence. "Doubt not," said the emigrants to the people of England, "God will raise our state and build his church in this excellent clime." After solemn exercises of religion, Lord Delaware caused his commission to be read; a consultation was immediately held on the good of the colony, and its government was organized with mildness, but decision. The evils of faction were healed by the unity of the administration, and the dignity and virtues of the governor; and the colonists, excited by mutual emulation, performed their tasks with alacrity. At the beginning of the day they assembled in the little church, which was kept neatly trimmed with the wild flowers of the country; (3) next, they returned to their houses to receive their allowance of food. The settled hours of labour were from six in the morning till ten, and from two in the afternoon till four. The houses were warm and secure, covered above with strong boards, and matted on the inside after the fashion of the Indian wigwams. Security and affluence were returning. But the health of Lord Delaware sunk under the cares of his situation and the diseases of the climate; and, after a lingering sickness, he was compelled to leave

(1) True Declaration, 45, 46.

(3) Purchas, iv. 1753.

(2) Ibid. 48.

the administration with Percy, and return to England.(1) The colony at this time consisted of about two hundred men; but the departure of the governor was a disastrous event, which produced not only despondency at Jamestown, but a "damp of coldness" in the hearts of the London company, and a great reaction in the popular mind in England. In the age when the theatre was the chief place of public amusement and resort, Virginia was introduced by the stage-poets as a theme of scorn and derision.(2) "This plantation," complained they of Jamestown, "has undergone the reproofs of the base world; our own brethren laugh us to scorn; and papists and players, the scum and dregs of the earth, mocke such as help to build up the walls of Jerusalem."(3)

Fortunately, the adventurers, before the ill-success
1611. of Lord Delaware was known, had despatched Sir Thomas Dale, "a worthy and experienced soldier in the Low Countries," with liberal supplies. He arrived safely in the colony, and assumed the government, which he soon afterwards administered upon the basis of martial law. The code, written in blood, and printed and sent to Virginia by the treasurer, Sir Thomas Smith, on his own authority, and without the order or assent of the company, was chiefly a translation from the rules of war of the United Provinces. The Episcopal Church, coeval in Virginia with the settlement of Jamestown, was, like the infant commonwealth, subjected to military rule; and, though conformity was not strictly enforced, yet courts-martial had authority to punish indifference with stripes, and infidelity with death. The introduction of this arbitrary system excited no indignation in the colonists, who had never obtained any franchises, and no surprise in the adventurers in England, who regarded the Virginians as the garrison of a distant citadel, more than as citizens and freemen. The charter of the London company (4) had invested the governor with full authority, in cases of rebellion and mutiny, to exercise martial law; and, in the

(1) *The New Life of Virginia*, 1612, republished in *ii. Mass. Hist. Coll.* viii. 199—223, and by P. Force, 1835. *The Relation of Lord De la Warre*, printed in 1611.

(2) *Epistle Dedicatorie to the New Life of Virginia*. In Force, p. 4.

(3) *For the Colony in Virginea Britannia, Lawes Divine, Morall, and Martial*. London, 1612.

(4) See the Charter, sec. xxiv. Compare Smith, *ii. 10, 11*; Stith, 122, 123, and 293; Purchas, *iv. 1767*.

condition of the settlement, this seemed a sufficient warrant for making it the law of the land.

The letters of Dale to the council confessed the small number and weakness of the colonists; but he kindled hope in the hearts of those constant adventurers, who, in the greatest disasters, had never fainted. "If anything otherwise than well betide me," said he, "let me commend unto your carefulness the pursuit and dignity of this business, than which your purses and endeavours will never open nor travel in a more meritorious enterprise. Take four of the best kingdoms in Christendom, and put them all together, they may no way compare with this country, either for commodities or goodness of soil." (1) Lord Delaware and Sir Thomas Gates earnestly confirmed what Dale had written, and without any delay, Gates, who has the honour, to all posterity, of being the first named in the original patent for Virginia, conducted to the New World six ships, with three hundred emigrants. Long afterwards the gratitude of Virginia to these early emigrants was shown by repeated acts of benevolent legislation. A wise liberality sent also a hundred kine, as well as suitable provisions. It was the most fortunate step which had been taken, and proved the wisdom of Cecil and others, whose firmness had prevailed.

The promptness of this relief merits admiration. In May, Dale had written from Virginia, and the last of August the new recruits, under Gates, were already at Jamestown. So unlooked for was this supply, that, at their approach they were regarded with fear as a hostile fleet. Who can describe the joy which ensued when they were found to be friends? Gates assumed the government amidst the thanksgivings of the colony, and at once endeavoured to employ the sentiment of religious gratitude as a foundation of order and of laws. "Lord bless England, our sweet native country," was the morning and evening prayer of the grateful emigrants. (2) The colony now numbered seven hundred men; and Dale, with the consent of Gates, went far up the river to found the new plantation, which, in honour of Prince Henry, a general favourite with the English people, was named Henrico; and there, on the remote frontier, Alexander Whitaker, the self-denying "apostle of Virginia," assisted in "bear-

(1) *New Life of Virginia*, ii. Mass. Hist. Coll. viii. 207.

(2) *Frederick said morning and evening*, in *Lawes Divine*, &c. p. 92.

ing the name of God to the Gentiles." But the greatest change in the condition of the colonists resulted from the incipient establishment of private property. To each man a few acres of ground were assigned for his orchard and garden, to plant at his pleasure and for his own use. So long as industry had been without its special reward, reluctant labour, wasteful of time, had been followed by want. Henceforward, the sanctity of private property was recognized as the surest guarantee of order and abundance. Yet the rights of the Indians were little respected; nor did the English disdain to appropriate by conquest, the soil, the cabins, and the granaries of the tribe of the Appomattocks.

While the colony was advancing in strength and happiness, the third patent for Virginia granted to the adventurers in England the Bermudas and all islands within 1612. three hundred leagues of the Virginia shore—a concession of no ultimate importance in American history, since the new acquisitions were soon transferred to a separate company. But the most remarkable change effected in the charter, a change which contained within itself the germ of another revolution, consisted in giving to the corporation a democratic form. Hitherto all power had resided in the council, which, it is true, was to have its vacancies supplied by the majority of the corporation. But now it was ordered, that weekly or even more frequent meetings of the whole company, might be convened for the transaction of affairs of less weight; while all questions respecting government, commerce, and the disposition of lands, should be reserved for the four great and general courts, at which all officers were to be elected, and all laws established. The political rights of the colonists themselves remained unimproved; the character of the corporation was entirely changed; power was transferred from the council to the company, and its sessions became the theatre of bold and independent discussion. A perverse financial privilege was at the same time conceded; and lotteries, though unusual in England, were authorized for the benefit of the colony. The lotteries produced to the company twenty-nine thousand pounds; but as they were esteemed 1621. a grievance by the nation, so they were, after a few years, noticed by Parliament as a public evil, and, in consequence of the complaint of the Commons, were suspended by an order of council.

^{1612.} If the new charter enlarged the powers of the company, the progress of the colony confirmed its stability. Tribes even of the Indians submitted to the English, and, by a formal treaty, declared themselves the tributaries of King James. A marriage was the immediate cause of this change of relations.

A foraging party of the colonists, headed by Argall, having stolen the daughter of Powhatan, demanded of her father a ransom. The indignant chief prepared rather for hostilities. But John Rolfe, "an honest and discreet" ^{1613.} young Englishman, an amiable enthusiast, who had emigrated to the forests of Virginia, daily, hourly, and, as it were, in his very sleep, heard a voice crying in his ears, that he should strive to make her a Christian. With the solicitude of a troubled soul, he reflected on the true end of being. "The Holy Spirit"—such are his own expressions—"demanded of me why I was created;" and conscience whispered that, rising above "the censure of the low-minded," he should lead the blind in the right path. Yet still he remembered that God had visited the sons of Levi and Israel with his displeasure, because they sanctified strange women; and might he, indeed, unite himself with "one of barbarous breeding and of a cursed race?" After a great struggle of mind, and daily and believing prayers, in the innocence of pious zeal, he resolved "to labour for the conversion of the unregenerated maiden;" and, winning the favour of Pocahontas, he desired her in marriage. Quick of comprehension, the youthful princess received instruction with docility; and soon, in the little church of Jamestown,—which rested on rough pine columns, fresh from the forest, and was in a style of rugged architecture as wild, if not as frail, as an Indian's wigwam,—she stood before the font, that out of the trunk of a tree "had been hewn hollow like a canoe," "openly renounced her country's idolatry, professed the faith of Jesus Christ, and was baptized." "The gaining of this one soul," "the first-fruits of Virginian conversion," was followed by her nuptials with Rolfe. In April, 1613, to the joy of Sir Thomas Dale, with the approbation of her father and friends, Opachisco, her uncle, gave the bride away; and she stammered before the altar her marriage vows, according to the rites of the English service.

Every historian of Virginia commemorates the union with approbation; distinguished men trace from it their

descent. In 1616, the Indian wife, instructed in the English language, and bearing an English name, "the first Christian ever of her nation," sailed with her husband for England. The daughter of the wilderness possessed the mild elements of female loveliness, half concealed, as if in the bud, and rendered the more beautiful by the child-like simplicity with which her education in the savannahs of the New World had invested her. How could she fail to be caressed at court, and admired in the city? As a wife, and as a young mother, her conduct was exemplary. She had been able to contrast the magnificence of European life with the freedom of the western forests; and now, as she was preparing to return to America, at the age of twenty-two, she fell a victim to the English climate,—saved, as if by the hand of mercy, from beholding the extermination of the tribes from which she sprung, leaving a spotless name, and dwelling in memory under the form of perpetual youth.

The immediate fruits of the marriage to the colony were a confirmed peace, not with Powhatan alone, but also with the powerful Chickahominies, who sought the friendship of the English, and demanded to be called Englishmen. It might have seemed that the European and the native races were about to become blended; yet no such result ensued. The English and the Indians remained at variance, and the weakest gradually disappeared.

The colony seemed firmly established, and its governor asserted for the English the sole right of colonizing the coast to the latitude of forty-five degrees. In 1613, sailing in an armed vessel, as a protector to the fishermen off the coast of Maine, Samuel Argall, a young sea-captain, of coarse passions and arbitrary temper, discovered that the French were just planting a colony near the Penobscot, on Mount Desert Isle; and, hastening to the spot, after cannonading the intrenchments, and a sharp discharge of musketry, he gained possession of the infant hamlet of St. Sauveur. The cross round which the faithful had gathered was thrown down; and the cottages, and the ship in the harbour, were abandoned to pillage. Of the colonists, some were put on board a vessel for St. Malo, others transported to the Chesapeake.

The news of French encroachments roused the jealousy of Virginia. Immediately Argall sailed once more to the north; raised the arms of England where those of De

Guercheville had been planted; threw down the fortifications of De Monts on the Isle of St. Croix; and set on fire the deserted settlement of Port Royal. Thus did England vindicate her claim to Maine and Acadia, and the London company avenge the invasion of its monopolies.

Returning from Acadia, Argall entered the port of New York, to assert the sovereignty of England; but there is no room to believe he ascended the Hudson.

Meantime, the people of England exulted in the anticipated glories of the rising state in Virginia. The theatre rung with its praise: Shakspeare, whose friend, the "popular" Earl of Southampton, was a leader in the Virginia company, echoed the general enthusiasm. His splendid prophecy promised the English nation the possession of a hemisphere, and extolled King James, as the patron of colonies, "like the mountain cedar, reaching his branches to all the plains about him."

"Wherever the bright sun of heaven shall shine,
His honour and the greatness of his name
Shall be, and make new nations."

1614. Sir Thomas Gates, leaving the government with Dale, embarked for England, where he employed himself in reviving the courage of the London company. In May, 1614, a petition for aid was presented to the House of Commons, and was received with unusual solemnity. It was supported by Lord Delaware, whose affection for Virginia ceased only with life. "All it requires," said he, "is but a few honest labourers, burdened with children;" and he moved for a committee to consider of relief. But disputes with the monarch led to a separation of the Commons; and it was not to lotteries or privileged companies, to parliaments or kings, that the new state was to owe its prosperity. Private industry, directed to the culture of a valuable staple, was more productive than the patronage of England, and tobacco enriched Virginia.

1613- The condition of private property in lands, among
1616. the colonists, depended, in some measure, on the circumstances under which they had emigrated. Some had been sent and maintained at the exclusive cost of the company, and were its servants. One month of their time and three acres of land were set apart for them, besides a small allowance of two bushels of corn from the public

store; the rest of their labour belonged to their employers. This number gradually decreased; and, in 1617, there were of them all, men, women, and children, but fifty-four. Others, especially the favourite settlement near the mouth of the Appomattox, were tenants, paying two and a half barrels of corn as a yearly tribute to the store, and giving to the public service one month's labour, which was to be required neither at seed-time nor harvest. He who came himself, or had sent others at his own expense, had been entitled to a hundred acres of land for each person: now that the colony was well established, the bounty on emigration was fixed at fifty acres, of which the actual occupation and culture gave a further right to as many more, to be assigned at leisure. Besides this, lands were granted as rewards of merit; yet not more than two thousand acres could be so appropriated to one person. A payment to the company's treasury of twelve pounds and ten shillings likewise obtained a title to any hundred acres of land not yet granted or possessed, with a reserved claim to as much more. Such were the earliest land laws of Virginia: though imperfect and unequal, they gave the cultivator the means of becoming a proprietor of the soil. These valuable changes were established by Sir Thomas Dale, a magistrate who, notwithstanding the introduction of martial law, has gained praise for his vigour and industry, his judgment and conduct. Having remained five years in 1616. America, and now desiring to visit England and his family, he appointed George Yeardley deputy-governor, and embarked for his native country.⁽¹⁾

The labour of the colony had long been misdirected; in the manufacture of ashes and soap, of glass and tar, the colonists could not sustain the competition with the nations on the Baltic. Much fruitless cost had been incurred in planting vineyards. It was found that tobacco might be 1615. profitably cultivated. The sect of gold-finders had become extinct; and now the fields, the gardens, the public squares, and even the streets of Jamestown, were planted with tobacco; (2) and the colonists dispersed, unmindful of security in their eagerness for gain. Tobacco, as it gave animation to Virginian industry, eventually became not only the staple, but the currency of the colony.

(1) *Stith*, 138—140.

(2) *Smith*, ii. 22.

With the success of industry and the security of property, the emigrants needed the possession of political rights. It is an evil incident to a corporate body, that ^{1617.} its officers separate their interests as managers from their interests as partial proprietors. This was found to be none the less true where an extensive territory was the estate to be managed; and imbittered parties contended for the posts of emolument and honour. It was under the influence of a faction which rarely obtained a majority, that the office of deputy-governor was intrusted to Argall. Martial law was at that time the common law of the country: that the despotism of the new deputy, who was both self-willed and avaricious, might be complete, he was further invested with the place of admiral of the country and the adjoining seas. (1)

The return of Lord Delaware to America might have restored tranquillity; the health of that nobleman was not equal to the voyage; he embarked with many emigrants, but did not live to reach Virginia. (2) The tyranny of Argall was, therefore, left unrestrained; but his indiscriminate rapacity and vices were destined to defeat themselves, and procure for the colony an inestimable benefit; for they led him to defraud the company, as well as to oppress the colonists. The condition of Virginia ^{1618.} became intolerable; the labour of the settlers was perverted to the benefit of the governor; servitude, for a limited period, was the common penalty annexed to trifling offences; and, in a colony where martial law still continued in force, life itself was insecure against his capricious passions. The first appeal ever made from America to England, directed, not to the king, but to the company, was in behalf of one whom Argall had wantonly condemned to death, and whom he had with great difficulty been prevailed upon to spare. (3) The colony was fast falling into disrepute, and the report of the tyranny established beyond the Atlantic checked emigration. A reformation was demanded, and was conceded, with guarantees for the future; because the interests of the colonists and the company coincided in requiring a redress of their common

(1) Stith, 145.

(2) Stith, 148. In Royal and Noble Authors, II. 180—183, Lord Delaware is said to have died at Wherwell, Hants, June 7, 1618. The writers on Virginia uniformly relate that he died at sea. Smith, II. 34.

(3) Stith, 150—153.

wrongs. After a strenuous contest on the part of rival factions for the control of the company, the influence of Sir Edwin Sandys prevailed; Argall was displaced, and the mild and popular Yeardley was now appointed 1619. captain-general of the colony. But before the new chief magistrate could arrive in Virginia, Argall had withdrawn, having previously, by fraudulent devices, preserved for himself and his partners the fruits of his extortions. The London company suffered the usual plagues of corporations—faithless agents and fruitless suits.(1)

The administration of Yeardley began with acts of benevolence. The ancient planters were fully released from all further service to the colony, and were confirmed in the possession of their estates, both personal and real, as amply as the subjects of England. The burdens imposed by his predecessor were removed, and martial law gradually disappeared.(2) But these were not the only benefits conferred through Yeardley; his administration marks an era in the progress of American liberty.

By the direction of the London company,(3) the authority of the governor was limited by a council, which had power to redress such wrongs as he should commit; and the colonists themselves were received to a share in legislation. In June, 1619, the first colonial assembly that ever met in Virginia(4) was convened at Jamestown. The governor, the newly-appointed council, and two representatives from each of the eleven boroughs, hence called burgesses, constituted the first popular representative body of the western hemisphere. All matters were debated which were thought expedient for the good of the colony. The legislative enactments of these earliest American law-givers, now no longer extant, could not be of force till they were ratified by the company in England. It does not appear that the ratification took place; yet they were acknowledged to have been, "in their greatest part, very well and judiciously carried." The gratitude of the Virginians was expressed with cheerful alacrity; former griefs were buried in oblivion; and the representatives of the colony expressed their "greatest possible thanks"

(1) Stith, 154, 157. The company's *Chief Root of the Differences and Discontents*, in *Burk*, i. 317—322; the leading authority, written in 1623.

(2) Stith, 158—161. *Chalmers*, 44.

(3) *State of Virginia*, 1620, pp. 6, 7; a rare tract, of the highest authority.

(4) *Hening*, i. 118.

for the care of the company in settling the plantation.⁽¹⁾

This was the happy dawn of legislative liberty in America. They who had been dependent on the will of a governor, claimed the privileges of Englishmen, and demanded a code based upon the English laws. They became willing to regard Virginia as their country; "they fell to building houses and planting corn,"⁽²⁾ and fearlessly resolved to perpetuate the colony.

The patriot party in England, now possessed of the control of the London company, engaged with earnestness in schemes to advance the population and establish the liberties of Virginia; and Sir Edwin Sandys, the new treasurer, was a man of such judgment and firmness, that no intimidations, not even threats of blood, could deter him from investigating and reforming the abuses by which the progress of the colony had been retarded.⁽³⁾ At his accession to office, after twelve years' labour, and an expenditure of eighty thousand pounds by the company, there were in the colony no more than six hundred persons, men, women, and children; and now, in one year, he provided a passage to Virginia for twelve hundred and sixty-one persons. Nor must the character of the emigration be overlooked. "The people of Virginia had not been settled in their minds;" and as, before the recent changes, they had gone there with the design of ultimately returning to England, it was necessary to multiply attachments to the soil. Few women had as yet dared to cross the Atlantic; but now the promise of prosperity induced ninety agreeable persons, young and incorrupt,⁽⁴⁾ to listen to the wishes of the company and the benevolent advice of Sandys, and to embark for the colony, where they were assured of a welcome. They were transported at the expense of the corporation, and were married to the tenants of the company, or to men who were well able to support them, and who willingly defrayed the costs of their passage, which were rigorously demanded.⁽⁵⁾ The adven-

(1) Stith, 160, 161; Smith, ii. 39; Ancient Records, in Hening, i. 121, 122; State of Virginia, 1620, p. 7; Purchas, iv. 1775, 1776. Chalmers, 44, perversely attributes to the colonial assembly the language employed by the London company.

(2) Hammond; Leah and Rachel, 3.

(3) Chief Root, &c., Burk, i. 323; Stith, 159.

(4) A Note of the Shipping, Men, and Provisions sent to Virginia in 1619, pp. 1, 2, 3; Stith, 165.

(5) Sandys, in Stith, 166.

ture, which had been in part a mercantile speculation, succeeded so well, that it was designed to send the next year another consignment of one hundred ; (1) but before these could be collected, the company found itself so poor that its design could be accomplished only by a subscription. After some delays, sixty were actually despatched,—maids of virtuous education, young, handsome, and well recommended. The price rose from one hundred and twenty to one hundred and fifty pounds of tobacco, or even more ; so that all the original charges might be repaid. The debt for a wife was a debt of honour, and took precedence of any other ; and the company, in conferring employments, gave a preference to the married men. Domestic ties were formed ; virtuous sentiments and habits of thrift ensued ; the tide of emigration swelled ; within three years, fifty patents for land were granted, and three thousand five hundred persons found their way to Virginia, (2) which was a refuge even for Puritans. (3)

The deliberate and formal concession of legislative liberties was an act of the deepest interest. When Sandys, after a year's service, resigned his office as treasurer, a struggle ensued on the election of his successor. The meeting was numerous attended ; and, as the courts of the company were now become the schools of debate, many of the distinguished leaders of Parliament were present. King James attempted to decide the struggle ; and a message was communicated from him, nominating four candidates, one of whom he desired should receive the appointment. The company resisted the royal interference as an infringement of their charter ; and while James exposed himself to the disgrace of an unsuccessful attempt at usurpation, the choice of the meeting fell upon the Earl of Southampton, the early friend of Shakspeare. Having thus vindicated their own rights, the company proceeded to redress former wrongs, and to provide colonial liberty with its written guaranties. (4)

In the case of the appeal to the London company from a sentence of death pronounced by Argall, the friends of that officer had assembled, with the Earl of Warwick at

(1) Supplies for 1620, p. 11, annexed to *State of Virginia*, 1620.

(2) *Stith*, 196 ; *State of Virginia*, 1622, p. 6, &c.

(3) *Whitaker*, in *Purchas*.

(4) *Stith*, 176—181.

their head, and had voted that trial by martial law is the noblest kind of trial, because soldiers and men of the sword were the judges. This opinion was now reversed, and the rights of the colonists to trial by jury amply sustained. Nor was it long before the freedom of the northern fisheries was equally asserted; and the early history of New England will explain with what success the monopoly of a rival corporation was opposed.(1)

The company had silently approved, yet never expressly sanctioned, the colonial assembly which had been convened by Sir George Yeardley. It was in July, 1621, that a memorable ordinance (2) established for the colony a written constitution. The form of government prescribed for Virginia was analogous to the English constitution, and was, with some modifications, the model of the systems which were afterwards introduced into the various royal provinces. Its purpose was declared to be "the greatest comfort and benefit to the people, and the prevention of injustice, grievances, and oppression." Its terms are few and simple: a governor, to be appointed by the company; a permanent council, likewise to be appointed by the company; a general assembly, to be convened yearly, and to consist of the members of the council, and of two burgesses, to be chosen from each of the several plantations by their respective inhabitants. The assembly might exercise full legislative authority, a negative voice being reserved to the governor; but no law or ordinance would be valid, unless ratified by the company in England. With singular justice, and a liberality without example, it was further ordained, that, after the government of the colony shall have once been framed, no orders of the court in London shall bind the colony, unless they be in like manner ratified by the general assembly. The courts of justice were required to conform to the laws and manner of trial used in the realm of England.

Such was the constitution which Sir Francis Wyatt, the successor of the mild but inefficient Yeardley, was commissioned to bear to the colony. The system of representative government and trial by jury was thus established in the new hemisphere as an acknowledged right; the colonists, ceasing to depend as servants on a commercial company, now became enfranchised citizens.

(1) *Stith*, 181—185. *Gorges*, c. xvii.—xxii.

(2) *Henley*, i. 110, 111.

Henceforward, the supreme power was held to reside in the hands of the colonial parliament, and of the king, as king of Virginia. The ordinance was the basis on which Virginia erected the superstructure of its liberties. Its influences were wide and enduring, and can be traced through all following years of the history of the colony. It constituted the plantation, in its infancy, a nursery of freemen; and succeeding generations learned to cherish institutions which were as old as the first period of the prosperity of their fathers. The privileges which were now conceded, could never be wrested from the Virginians; and, as new colonies arose at the south, their proprietaries could hope to win emigrants only by bestowing franchises as large as those enjoyed by their elder rival. The London company merits the fame of having acted as the successful friend of liberty in America. It may be doubted, whether any public act during the reign of King James was of more permanent or pervading influence; and it reflects glory on the Earl of Southampton, Sir Edwin Sandys, and the patriot party of England, who, unable to establish guaranties of a liberal administration at home, were careful to connect popular freedom so intimately with the life, prosperity, and state of society of Virginia, that they never could be separated.

CHAPTER V.

SLAVERY.—DISSOLUTION OF THE LONDON COMPANY.

WHILE Virginia, by the concession of a representative government, was constituted the asylum of liberty, by one of the strange contradictions in human affairs, it became the abode of hereditary bondsmen. The unjust, wasteful, and unhappy system was fastened upon the rising institutions of America, not by the consent of the corporation, nor the desires of the emigrants; but, as it was introduced by the mercantile avarice of a foreign nation, so it was subsequently riveted by the policy of England, *without regard to the interests or the wishes of the colony.*

Slavery and the slave-trade are older than the records of human society : they are found to have existed, wherever the savage hunter began to assume the habits of pastoral or agricultural life ; and, with the exception of Australasia, they have extended to every portion of the globe. They pervaded every nation of civilized antiquity. The earliest glimpses of Egyptian history exhibit pictures of bondage ; the oldest monuments of human labour on the Egyptian soil are evidently the results of slave labour. The founder of the Jewish nation was a slave-holder and a purchaser of slaves. Every patriarch was lord in his own household.(1)

The Hebrews, when they burst the bands of their own thralldom, carried with them beyond the desert the institution of slavery. The light that broke from Sinai scattered the corrupting illusions of polytheism ; but slavery planted itself even in the promised land, on the banks of Siloa, near the oracles of God. The Hebrew father might doom his daughter to bondage ; the wife, and children, and posterity of the emancipated slave, remained the property of the master and his heirs ; and if a slave, though mortally wounded by his master, did but languish of his wounds for a day, the owner escaped with impunity ; for the slave was his master's money. It is even probable, that, at a later period, a man's family might be sold for the payment of debts.(2)

The countries that bordered on Palestine were equally familiar with domestic servitude ; and, like Babylon, Tyre also, the oldest and most famous commercial city of Phenicia, was a market "for the persons of men."(3) The Scythians of the desert had already established slavery throughout the plains and forests of the unknown north.

Old as are the traditions of Greece, the existence of slavery is older. The wrath of Achilles grew out of a quarrel for a slave ; the Grecian dames had crowds of servile attendants ; the heroes before Troy made excursions into the neighbouring villages and towns to enslave the inhabitants. Greek pirates, roving, like the corsairs of Barbary, in quest of men, laid the foundations of Greek commerce ; each commercial town was a slave-

(1) Gen. xii. 16 ; xvii. 12 ; xxxvii. 28.

(2) Exodus, xxi. 4, 5, 6, 7, 21. Matthew, xviii. 25.

(3) Ezekiel, xxvii. 13. Revelation, xviii. 13.

mart; and every cottage near the sea-side was in danger from the kidnapper.(1) Greeks enslaved each other. The language of Homer was the mother-tongue of the Helots; the Grecian city that made war on its neighbour city, exulted in its captives as a source of profit; (2) the hero of Macedon sold men of his own kindred and language into hopeless slavery. The idea of universal free labour had not been generated. Aristotle had written that all mankind are brothers; yet the thought of equal enfranchisement never presented itself to his sagacious understanding. In every Grecian republic, slavery was an indispensable element.

The wide diffusion of bondage throughout the dominions of Rome, and the extreme severities of the Roman law towards the slave, contributed to hasten the fall of the Roman commonwealth. The power of the father to sell his children, of the creditor to sell his insolvent debtor, of the warrior to sell his captive, carried the influence of the institution into the bosom of every Roman family; into the conditions of every contract; into the heart of every unhappy land that was invaded by the Roman eagle. The slave-markets of Rome were filled with men of every complexion and every clime.(3)

When the freedom of savage life succeeded in establishing its power on the ruins of the Roman empire, the great swarms of Roman slaves began to disappear; but the middle age witnessed rather a change in the channels of the slave-trade, than a diminution of its evils. The pirate, and the kidnapper, and the conqueror, still continued their pursuits. The Saxon race carried the most repulsive forms of slavery to England, where not half the population could assert a right to freedom, and where the price of a man was but four times the price of an ox. The importation of foreign slaves was freely tolerated: in defiance of severe penalties, the Saxons sold their own kindred into slavery on the continent; nor could the traffic be checked, till religion, pleading the cause of humanity, made its appeal to conscience. Even after

1102. the conquest, slaves were exported from England to Ireland, till the reign of Henry II., when a national

(1) Thucydides, l. i. c. v.

(2) Arist. Pol. l. i. c. 2, censures the practice, which was yet the common law.

(3) Senecæ Epist. xcv. *Agmina exoletorum, per nationes coloresque descripta, &c. De Brevit. Vit. c. xii.*

syned of the Irish, to remove the pretext for an invasion, decreed the emancipation of all English slaves in the island.(1)

The German nations made the shores of the Baltic the scenes of the same desolating traffic; and the Dnieper formed the highway on which Russian merchants conveyed to Constantinople the slaves that had been purchased in the markets of Russia. The wretched often submitted to bondage, as the bitter but only refuge from absolute want. But it was the long wars between German and Slavonic tribes which imparted to the slave-trade its greatest activity, and filled France and the neighbouring states with such numbers of victims, that they gave the name of the Slavonic nation to servitude itself; and every country of Western Europe still preserves in its language the record of the barbarous traffic in "Slaves." (2)

Nor did France abstain from the slave-trade. At Lyons and Verdun, the Jews were able to purchase slaves for their Saracen customers.(3)

In Sicily, and perhaps in Italy, the children of Asia and Africa, in their turn, were exposed for sale. The people of the wilderness and the desert are famed for love of their offspring; yet in the extremity of poverty, even the Arab father would sometimes pawn his children to the Italian merchant, in the vain hope of soon effecting their ransom. Rome itself long remained a mart where Christian slaves were exposed for sale, to supply the domestic market of Mahometans. The Venetians, in their commercial intercourse with the ports of unbelieving nations, as well as with Rome, purchased alike infidels and Christians, and sold them again to the Arabs in Sicily and Spain. Christian and Jewish avarice supplied the slave-market of the Saracens. What though the trade was exposed to the censure of the church and prohibited by the laws of Venice? It could not be effectually checked, till by the Venetian law no slave might enter a Venetian ship, and to tread the deck of an argosy of Venice became the privilege and the evidence of freedom.(4)

The spirit of the Christian religion would, before the

(1) Wilkins's Concilia, i. 383, 471. Compare Lyttleton's Henry II. III.; Turner, Lingard, Anderson.

(2) Hüne's Darstellung, i. 102 and ff.

(3) Fischer, in Hüne, i. 115.

(4) Fischer, in Hüne, i. 116. Marin, in Heeren, ii. 260.

discovery of America, have led to the entire abolition of the slave-trade, but for the hostility between the Christian church and the followers of Mahomet. In the twelfth century, Pope Alexander III., true to the spirit of his office, which, during the supremacy of brute force in the middle age, made of the chief minister of religion the tribune of the people and the guardian of the oppressed, had written, that "Nature having made no slaves, all men have an equal right to liberty."⁽¹⁾ But the slave-trade had never relented among the Mahometans: the captive Christian had no alternative but apostasy or servitude, and the captive infidel was treated in Christendom with corresponding intolerance. In the days of the crusaders, and in the camp of the leader whose pious arms redeemed the sepulchre of Christ from the mixed nations of Asia and Lybia, the price of a war-horse was three slaves. The Turks, whose law forbids the enslaving of a Mahometan, still continue to sell Christian captives; and we have seen that the father of Virginia had himself tasted the bitterness of Turkish bondage.

All this might have had no influence on the destinies of America, but for the long and doubtful struggles between Christians and Moors in the west of Europe; where, for more than seven centuries, and in more than three thousand battles, the two religions were arrayed against each other; and bondage was the reciprocal doom of the captive. Bigotry inflamed revenge, and animated the spirit of merciless and exterminating warfare. France and Italy were filled with Saracen slaves; the number of them sold into Christian bondage exceeded the number of all the Christians ever sold by the pirates of Barbary. The clergy, who had pleaded successfully for the Christian, felt no sympathy for the unbeliever. The final victory of the Spaniards over the Moors of Granada—an event contemporary with the discovery of America—was signalized by a great emigration of the Moors to the coasts of Northern Africa, where each mercantile city became a nest of pirates, and every Christian the wonted booty of the successful corsair. Servitude was thus the doom of the Christian in Northern Africa: the hatred of the Moorish dominion extending to all Africa, an indiscri-

(1) See his letter to Lupus, King of Valencia, in *Historiæ Anglicanæ Scriptores*; Londini, 1662, l. 580. Cum autem omnes liberos naturæ creasset, nullus conditione naturæ fuit subditus servituti.

minate and retaliating bigotry felt no remorse at dooming the sons of Africa to bondage. All Africans were esteemed as Moors.

The amelioration of the customs of Europe had proceeded from the influence of religion. It was the clergy who had broken up the Christian slave-markets at Bristol and at Hamburg, at Lyons and at Rome. At the epoch of the discovery of America, the moral opinion of the civilized world had abolished the traffic in Christian slaves, and was fast demanding the emancipation of the serfs; but bigotry had favoured a compromise with avarice, and the infidel was not yet included within the pale of humanity.

Yet negro slavery is not an invention of the white man. As Greeks enslaved Greeks, as the Hebrew often consented to make the Hebrew his absolute lord, as Anglo-Saxons trafficked in Anglo-Saxons, so the negro race enslaved its own brethren. The oldest accounts of the land of the negroes, like the glimmering traditions of Egypt and Phenicia, of Greece and of Rome, bear witness to the existence of domestic slavery and the caravans of dealers in negro slaves. The oldest Greek historian (1) commemorates the traffic. Negro slaves were seen in classic Greece, and were known at Rome and in the Roman empire. It is from about the year 990, that regular accounts of the negro slave-trade exist. At that period, Moorish merchants from the Barbary coast first reached the cities of Nigritia, and established an uninterrupted exchange of Saracen and European luxuries for the gold and slaves of Central Africa. Even though whole caravans were sometimes buried in the sands of the desert, and at others, without shade and without water, suffered the horrors of parching thirst under a tropical sun, yet the commerce extended because it was profitable; and before the genius of Columbus had opened the path to a new world, the negro slave-trade had been reduced to a system by the Moors, and had spread from the native regions of the Æthiopian race to the heart of Egypt on the one hand, and to the coasts of Barbary on the other. (2)

(1) Herodotus, l. iv. c. 181—185. Compare Heeren, xiii. 187 and 231; Blair's Roman Slavery, 24.

(2) Edrisius and Leo Africanus, in Hume l. 150—163. Hume's volumes deserve to be more known.

But the danger for America did not end here. The traffic of Europeans in negro slaves was fully established before the colonization of the United States, and had existed a half century before the discovery of America.

It was not long after the first conquests of the Portuguese in Barbary, that the passion for gain, the love of conquest, and the hatred of the infidels, conducted their navy to the ports of Western Africa; and the first ships which sailed so far south as Cape Blanco, returned, not with negroes, but with Moors. The subjects of this importation were treated, not as labourers, but rather as strangers, from whom information respecting their native country was to be derived. Antony Gonzalez, who had brought them to Portugal, was commanded to restore them to their ancient homes. He did so, and the Moors gave him as their ransom, not gold only, but "black Moors," with curled hair. Thus negro slaves came into Europe; and mercantile cupidity immediately observed, that negroes might become an object of lucrative commerce. New ships were despatched without delay.⁽¹⁾ Spain also engaged in the traffic: the historian of her maritime discoveries even claims for her the unenviable distinction of having anticipated the Portuguese in introducing negroes into Europe.⁽²⁾ The merchants of Seville imported gold dust and slaves from the western coast of Africa; ⁽³⁾ and negro slavery, though the severity of bondage was mitigated in its character by benevolent legislation,⁽⁴⁾ was established in Andalusia, and "abounded in the city of Seville," before the enterprise of Columbus was conceived.⁽⁵⁾

The maritime adventurers of those days, joining the principles of bigots with the bold designs of pirates and heroes, esteemed the wealth of the countries which they might discover as their rightful plunder, and the inhabitants, if Christians, as their subjects—if infidels, as their

(1) Galvano, in Hakluyt, iv. 413; De Pauw, *Rech. Phil.* i. 21.

(2) Navarette, *Introduccion*, s. xix.

(3) Prescott's Ferdinand and Isabella.

(4) Zuniga, *Annales de Sevilla*, 373, 374. The passage is very remarkable: "Avia anos que desde los Puertos de Andaluzia se frequentava navegacion a los costas de Africa, y Guinea, de donde se traian esclavos, de que ya abundava esta ciudad, &c. &c. 373. Eran en Sevilla los negros tratados con gran benignidad, desde el tiempo de el Rey Don Henrique Tercero," &c. &c. 374. I owe the opportunity of consulting Zuniga to W. H. Prescott, of Boston.

(5) Irving's *Columbus*, ii. 351, 352; Herrera, d. i. l. iv. c. xli.

slaves. Even Indians of Hispaniola were imported into Spain. Cargoes of the natives of the north were early and repeatedly kidnapped. The coasts of America, like the coasts of Africa, were visited by ships in search of labourers; and there was hardly a convenient harbour on the whole Atlantic frontier of the United States which was not entered by slavers.(1) The native Indians themselves were ever ready to resist the treacherous merchant; the freemen of the wilderness, unlike the Africans, among whom slavery had existed from immemorial time, would never abet the foreign merchant, or become his factors in the nefarious traffic. Fraud and force remained, therefore, the means by which, near Newfoundland or Florida, on the shores of the Atlantic, or among the Indians of the Mississippi valley, Cortereal and Vasquez de Ayllon, Porcallo and Soto, with private adventurers, whose names and whose crimes may be left unrecorded, transported the natives of North America into slavery in Europe and the Spanish West Indies. The glory of Columbus himself did not escape the stain; enslaving five hundred native Americans, he sent them to Spain, that they might be publicly sold at Seville.(2) The generous Isabella commanded the liberation of the Indians held in bondage in her European possessions.(3) Yet her active benevolence extended neither to the Moors, whose valour had been punished by slavery, nor to the Africans; and even her compassion for the New World was but the transient feeling, which relieves the miserable who are in sight, not the deliberate application of a just principle. For the commissions for making discoveries, issued a few days before and after her interference to rescue those whom Columbus had enslaved, reserved for herself and Ferdinand a fourth part(4) of the slaves which the new kingdoms might contain. The slavery of Indians was recognized as lawful.(5)

The practice of selling the natives of North America into foreign bondage continued for nearly two centuries;

(1) Compare Peter Martyr d'Anghiera, d. vii. c. i. and ii. in Hakluyt, v. 404, 405, 407.

(2) Irving's Columbus, b. viii. c. v.

(3) Navarette, Coll. ii. 246, 247.

(4) Esclavos, é negros, é loros que en estos nuestros reinos sean habitos é reputados por esclavos, &c. Navarette, ii. 246, and again, ii. 249.

(5) See a *cédula* on a slave contract, in Navarette, iii. 514, 515, given June 20, 1601.

and even the sternest morality pronounced the sentence of slavery and exile on the captives whom the field of battle had spared. The excellent Winthrop enumerates Indians among his bequests.(1) The articles of the early New England confederacy class persons among the spoils of war. A scanty remnant of the Pequod tribe(2) in Connecticut, the captives treacherously made by Waldron in New Hampshire,(3) the harmless fragments of the tribe of Annawon,(4) the orphan offspring of King Philip himself,(5) were all doomed to the same hard destiny of perpetual bondage. The clans of Virginia and Carolina,(6) for more than a hundred years, were hardly safe against the kidnapper. The universal public mind was long and deeply vitiated.

It was not Las Casas who first suggested the plan of transporting African slaves to Hispaniola ; Spanish slaveholders, as they emigrated, were accompanied by their negroes. The emigration may at first have been contraband ; but a royal edict soon permitted negro slaves, born in slavery among Christians, to be transported to Hispaniola.(7) Thus the royal ordinances of Spain authorized negro slavery in America. Within two years, there were such numbers of Africans in Hispaniola, that Ovando, 1503. the governor of the island, entreated that the importation might no longer be permitted.(8) The Spanish government attempted to disguise the crime, by forbidding the introduction of negro slaves, who had been bred in Moorish families,(9) and allowing only those who were said to have been instructed in the Christian faith, to be transported to the West Indies, under the plea that they might assist in converting the infidel nations. But the idle pretence was soon abandoned ; for should faith in Christianity be punished by perpetual bondage in the colonies ? And would the purchaser be scrupulously inquisitive of the

(1) Winthrop's N. E., ii. 360.

(2) *Ibid.* i. 234.

(3) Belknap's Hist. of N. Hampshire, i. 75, Farmer's edition.

(4) Baylies's Plymouth, iii. 190.

(5) Davis, on Morton's Memorial, 454, 455. Baylies's Plymouth, iii. 190, 191.

(6) Hening, i. 481, 482. The act forbidding the crime proves what is, indeed, undisputed, its previous existence. Lawson's Carolina. Chalmers, 542.

(7) Herrera, d. i. l. iv. c. xii.

(8) Irving's Columbus, Appendix, No. 26, iii. 372, first American edition.

(9) Herrera, d. i. l. vi. c. xx.

birthplace and instruction of his labourers? Besides, the culture of sugar was now successfully begun; and the system of slavery, already riveted, was not long restrained by the scruples of men in power. King Ferdinand himself sent from Seville fifty slaves(1) to labour in the mines; and, because it was said that one negro could do the work of four Indians, the direct traffic in slaves between Guinea and Hispaniola was enjoined by a royal ordinance,(2) and deliberately sanctioned by repeated decrees.(3) Was it not natural that Charles V., a youthful monarch, surrounded by rapacious courtiers, should have readily granted licenses to the Flemings to transport negroes to the colonies? The benevolent Las Casas, who had seen the native inhabitants of the New World vanish away, like dew, before the cruelties of the Spaniards, who felt for the Indians all that an ardent charity and the purest missionary zeal could inspire, and who had seen the African thriving in robust(4) health under the sun of Hispaniola, returning from America to plead the cause of the feeble Indians, in the same year which saw the dawn of the Reformation in Germany, suggested the expedient,(5) that negroes might still further be employed to perform the severe toils which they alone could endure. The avarice of the Flemings greedily seized on the expedient; the board of trade at Seville was consulted, to learn how many slaves would be required. It had been proposed to allow four for each Spanish emigrant; deliberate calculation fixed the number esteemed necessary at four thousand. The very year in which Charles V. sailed with a powerful expedition against Tunis, to check the piracies of the Barbary states, and to emancipate Christian slaves in Africa, he gave an open legal sanction to the African slave-trade. The sins of the Moors were to be revenged on the negroes;

(1) Herrera, d. i. l. viii. c. ix.

(2) Ibid. d. i. l. ix. c. v. Herrera is explicit. The note of the French translator of Navarette, l. 203, 204, needs correction. A commerce in negroes, sanctioned by the crown, was surely not contraband.

(3) Irving's Columbus, iii. 372.

(4) Ibid. iii. 370, 371.

(5) The merits of Las Casas have been largely discussed. The controversy seems now concluded. Irving's Columbus, iii. 367—378. Navarette, Introduction, s. lviil. lix. The Memoir of Las Casas still exists in manuscript. Herrera, d. ii. l. ii. c. xx. Robertson's America, b. iii. It may yet gratify curiosity to compare Grégoire, Apologie de B. Las Casas, in *Mém. de l'Inst. Nat.* An viii.; and Verplanck, in *N. Y. Hist. Coll.* iii. 49—53, and 103—105.

and the monopoly,(1) for eight years, of annually importing four thousand slaves into the West Indies, was eagerly seized by La Brea, a favourite of the Spanish monarch, and was sold to the Genoese, who purchased their cargoes of Portugal. We shall, at a later period, have occasion to observe a stipulation for this lucrative monopoly, forming an integral part in a treaty of peace, established by a European Congress; shall witness the sovereign of the most free state in Europe stipulating for a fourth part of its profits; and shall trace its intimate connection with the first in that series of wars which led to the emancipation of America. Thus a hasty benevolence, too zealous to be just, attempted to save the natives of America by sanctioning an equal oppression of another race. But covetousness, and not a mistaken benevolence, established the slave-trade, which had nearly received its development before the charity of Las Casas was heard in defence of the Indians. Reason,(2) policy,(3) and religion, alike condemned the traffic. A series of papal bulls had indeed secured to the Portuguese the exclusive commerce with Western Africa; but the slave-trade between Africa and America was, I believe, never expressly sanctioned by the see of Rome. The spirit of the Roman church was against it. Even Leo X., though his voluptuous life, making of his pontificate a continued carnival, might have deadened the sentiments of humanity and justice, declared,(4) that "not the Christian religion only, but nature herself, cries out against the state of slavery."

1537. And Paul III., in two separate briefs,(5) imprecated a curse on the Europeans who should enslave Indians, or any other class of men. It even became usual for Spanish vessels, when they sailed on a voyage of discovery, to be attended by a priest, whose benevolent duty it was,

(1) Herrera, d. ii. l. ii. c. xx.

(2) *Inter dominum et servum nulla amicitia est; etiam in pace belli tamen jura servantur.* Quintus Curtius, l. vii. c. viii. John Locke, who sanctioned slavery in Carolina, gives a similar definition of it: "The perfect condition of slavery is the state of war continued between a lawful conqueror and a captive." Compare, also, Montesquieu de l'Esprit des Loix, l. xv. c. v. on negro slavery.

(3) See A. Q. Review, for Dec. 1832, for the effects of slavery in Virginia.

(4) Grahame's United States, ii. 18. Clarkson's History of the Abolition of the Slave-Trade, l. 35, American edition. Clarkson, l. 33, 34, says that Charles V. lived to repent his permission of slavery, and to order emancipation. The first is probable; yet Herrera, d. ii. l. ii. c. xx. denounces not slavery, but the monopoly of the slave-trade.

(5) See the brief, in Remesal, Hist. de Chiappa, l. iii. c. xvi. xvii.

to prevent the kidnapping of the aborigines.(1) The legislation of independent America has been emphatic (2) in denouncing the hasty avarice which entailed the anomaly of negro slavery in the midst of liberty. Ximenes, the gifted coadjutor of Ferdinand and Isabella, the stern grand inquisitor, the austere but ambitious Franciscan, saw in advance the danger which it required centuries to reveal, and refused to sanction the introduction of negroes into Hispaniola; believing (3) that the favourable climate would increase their numbers, and infallibly lead them to a successful revolt. A severe retribution has manifested his sagacity: Hayti, the first spot in America that received African slaves, was the first to set the example of African liberty. But for the slave-trade, the African race would have had no inheritance in the New World.

The odious distinction of having first interested
1562. England in the slave-trade belongs to Sir John Hawkins. He had fraudulently transported a large cargo of Africans to Hispaniola; the rich returns of sugar, ginger, and pearls, attracted the notice of Queen Elizabeth; and

when a new expedition was prepared, she was induced
1567. not only to protect, but to share the traffic.(4) In the

accounts which Hawkins himself gives (5) of one of his expeditions, he relates that he set fire to a city, of which the huts were covered with dry palm leaves, and out of eight thousand inhabitants, succeeded in seizing two hundred and fifty. The deliberate and even self-approving frankness with which this act of atrocity is related, and the lustre which the fame of Hawkins acquired, display in the strongest terms the depravity of public sentiment in the age of Elizabeth. The leader in these expeditions was not merely a man of courage; in all other emergencies he knew how to pity the unfortunate, even when they were not his countrymen, and to relieve their wants with cheerful liberality.(6) Yet the commerce, on the part of the English, in the Spanish ports, was by the laws of Spain illicit, as well as by the laws of morals detestable; and when the sovereign of England participated in its hazards,

(1) T. Southey's *West Indies*, i. 126.

(2) Walsh's *Appeal*, 306—342. Belknap's *Correspondence with Tucker*, i. Mass. Hist. Coll. iv. 190—211.

(3) Irving, iii. 374, 375.

(4) Compare Hakluyt, ii. 351, 352, with iii. 594; Hewat's *Carolina*, i. 20—27; Keith's *Virginia*, 31; Anderson's *History of Commerce*.

(5) Hakluyt, iii. 618, 619.

(6) Ibid. iii. 418, 419, 612—614.

its profits, and its crimes, she became at once a smuggler and a slave merchant.(1)

A ship of one Thomas Keyser and one James Smith, 1645. the latter a member of the church of Boston, first brought upon the colonies the guilt of participating in the traffic in African slaves. They sailed "for Guinea to trade for negroes;"(2) but throughout Massachusetts the cry of justice was raised against them as malefactors and murderers; Richard Saltonstall, a worthy assistant, felt himself moved by his duty as a magistrate, to denounce the act of stealing negroes as "expressly contrary to the law of God and the law of the country;"(3) the guilty men were committed for the offence;(4) and, after advice with

the elders, the representatives of the people, bearing 1646. "witness against the heinous crime of man-stealing," ordered the negroes to be restored, at the public charge, "to their native country, with a letter expressing the indignation of the general court" at their wrongs.(5)

When George Fox visited Barbadoes in 1671, he 1671. enjoined it upon the planters, that they should "deal mildly and gently with their negroes; and that, after certain years of servitude, they should make them free." The idea of George Fox had been anticipated by the fellow-citizens of Gorton and Roger Williams. Nearly 1652. twenty years had then elapsed since the representatives of Providence and Warwick, perceiving the disposition of people in the colony "to buy negroes," and hold them "as slaves for ever," had enacted that "no black mankind" should, "by covenant, bond, or otherwise," be held to perpetual service; the master, "at the end of ten years, shall set them free, as the manner is with English servants; and that man that will not let" his slave "go free, or shall sell him away, to the end that he may be enslaved to others for a longer time, shall forfeit to the colony forty pounds."(6) Now, forty pounds was nearly twice the value of a negro slave. The law was not enforced; but the principle lived among the people.

Conditional servitude, under indentures or covenants,

(1) Lingard, viii. 306, 307.

(2) Winthrop, ii. 379, 380.

(3) *Colony Laws*, c. xii.

(4) *George Fox's Journal*, An. 1671. The law of Rhode Island I copied from the records in Providence.

(5) Winthrop, ii. 243, 244, 245.

(6) *Colony Records*, iii. 45.

had from the first existed in Virginia. The servant stood to his master in the relation of a debtor, bound to discharge the costs of emigration by the entire employment of his powers for the benefit of his creditor. Oppression early ensued; men who had been transported into Virginia at an expense of eight or ten pounds, were sometimes sold for forty, fifty, or even threescore pounds.(1) The supply of white servants became a regular business; and a class of men nicknamed spirits used to delude young persons, servants and idlers, into embarking for America, as to a land of spontaneous plenty.(2) White servants came to be a usual article of traffic. They were sold in England to be transported, and in Virginia were resold to the highest bidder; like negroes, they were to be purchased on shipboard, as men buy horses at a fair.(3) In 1672, the average price in the colonies, where five years of service were due, was about ten pounds; while a negro was worth twenty or twenty-five pounds.(4) So usual was this manner of dealing in Englishmen, that not the Scots only, who were taken in the field of Dunbar, were sent into involuntary servitude in New England,(5) but the royalist prisoners of the battle of Worcester;(6) and the leaders in the insurrection of Penruddock,(7) in spite of the remonstrance of Haselrig and Henry Vane, were shipped to America. At the corresponding period, in Ireland, the crowded exportation of Irish Catholics was a frequent event, and was attended by aggravations hardly inferior to the usual atrocities of the African slave-trade.(8) In 1685, when nearly a thousand of the prisoners, condemned for participating in the insurrection of Monmouth, were sentenced to transportation, men of influence at court, with rival importunity, scrambled for the convicted insurgents as a merchantable commodity.(9)

The condition of apprenticed servants in Virginia differed from that of slaves chiefly in the duration of their

(1) Smith, i. 105.

(2) Bullock's Virginia, 1649, p. 14.

(3) Sad State of Virginia, 1657, p. 4, 5; Hammond's Leah and Rachel, 7.

(4) Blome's Jamaica, 84 and 16.

(5) Cromwell and Cotton, in Hutchinson's Coll. 233—235.

(6) Suffolk County Records, i. 5 and 6. The names of 270 are recorded. The lading of the John and Sarah was "ironwork, household stuff, and other provisions for planters and Scotch prisoners." Recorded May 14, 1682.

(7) Burton's Diary, iv. 263, 271. Godwin's Commonwealth, iv. 172.

(8) Lingard, xi. 131, 132.

(9) Dalrymple. Mackintosh, Hist. of the Revolution of 1688.

bondage ; and the laws of the colony favoured their early enfranchisement.(1) But this state of labour easily admitted the introduction of perpetual servitude. The commerce of Virginia had been at first monopolized by the company ; but as its management for the benefit of

the corporation led to frequent dissensions, it was in 1620.

1620 laid open to free competition.(2) In the month of August of that year, just fourteen months after the first representative assembly of Virginia, four months before the Plymouth colony landed in America, and less than a year before the concession of a written constitution, more than a century after the last vestiges of hereditary slavery had disappeared from English society and the English constitution, and six years after the Commons of France had petitioned for the emancipation of every serf in every fief, a Dutch man-of-war entered James River, and landed twenty negroes for sale.(3) This is, indeed, the sad epoch of the introduction of negro slavery in the English colonies ; but the traffic would have been checked in its infancy, had its profits remained with the Dutch. Thirty years after this first importation of Africans, the increase had been so inconsiderable, that to one black, Virginia contained fifty whites ; (4) and, at a later period, after seventy years of its colonial existence, the number of its negro slaves was proportionably much less than in several of the free states at the time of the war of independence. It is the duty of faithful history to trace events, not only to their causes, but to their authors ; and we shall hereafter inquire what influence was ultimately extended to counteract the voice of justice, the cry of humanity, and the remonstrances of colonial legislation. Had no other form of servitude been known in Virginia than such as had been tolerated in Europe, every difficulty would have been promptly obviated by the benevolent spirit of colonial legislation. But a new problem in the history of man was now to be solved. For the first time the Ethiopian and Caucasian races were to meet together in nearly equal numbers beneath a temperate zone. Who could foretell the issue ? The negro race, from the first, was regarded with disgust, and its union with the whites

(1) Hening, i. 257.

(2) Stith, 171.

(3) Beverley's Virginia, 35. Stith, 182 ; Chalmers, 49 ; Burk, i. 211 : and Hening, i. 146, all rely on Beverley.

(4) *New Description of Virginia*.

forbidden under ignominious penalties.(1) For many years the Dutch were principally concerned in the slave-trade in the market of Virginia; the immediate demand for labourers may, in part, have blinded the eyes of the planters to the ultimate evils of slavery,(2) though the laws of the colony, at a very early period, discouraged its increase by a special tax upon female slaves.(3)

If Wyatt, on his arrival in Virginia, found the evil
1621. of negro slavery engrafted on the social system, he brought with him the memorable ordinance on which the fabric of colonial liberty was to rest, and which was interpreted by his instructions (4) in a manner favourable to the independent rights of the colonists. Justice was established on the basis of the laws of England, and an amnesty of ancient feuds proclaimed. As Puritanism had appeared in Virginia, "needless novelties" in the forms of worship were now prohibited. The order to search for minerals betrays the continuance of lingering hopes of finding gold; while the injunction to promote certain kinds of manufactures was ineffectual, because labour could otherwise be more profitably employed.

The business which occupied the first session under the written constitution related chiefly to the encouragement of domestic industry; and the culture of silk particularly engaged the attention of the assembly.(5) But legislation, though it can favour industry, cannot create it. When soil, men, and circumstances, combine to render a manufacture desirable, legislation can protect the infancy of enterprise against the unequal competition with established skill. The culture of silk, long, earnestly, and frequently recommended to the attention of Virginia,(6) is successfully pursued only when a superfluity of labour exists in a redundant population. In America, the first wants of life left no labour without a demand: silk-worms could not be cared for where every comfort of household existence required to be created. Still less was the successful culture of the vine possible. The company had repeatedly sent vine-dressers, who had been set to work under the

(1) Hening, i. 146.

(2) This may be inferred from a paper on Virginia, in Thurloe, v. 81, or Hazard, i. 601.

(3) Hening, ii. 84, Act liv. March, 1662. The statute implies that the rule already existed.

(4) *Ibid.* i. 114—118. *Stith*, p. 194—196. *Burk*, v. i. p. 224—227.

(5) *Ibid.* i. 119.

(6) *Virgo Triumphans*, 35.

terrors of martial law, and whose efforts were continued after the establishment of regular government. But the toil was in vain. The extensive culture of the vine, unless singularly favoured by climate, succeeds only in a dense population, for a small vineyard requires the labour of many hands. It is a law of nature, that, in a new country under the temperate zone, corn and cattle will be raised, rather than silk or wine.

The first culture of cotton in the United States deserves commemoration. This year the seeds were planted as an experiment; and their "plentiful coming up" was, at that early day, a subject of interest in America and England.(1)

Nor did the benevolence of the company neglect to establish places of education, and provide for the support of religious worship. The bishop of London collected and paid a thousand pounds towards a university, which, like the several churches of the colony, was liberally endowed with domains.(2) Public and private charity were active;(3) but the lands were never occupied by productive labourers, and the system of obtaining a revenue through a permanent tenantry could meet with no success, for it was not in harmony with the condition of colonial society.

Between the Indians and the English there had been quarrels, but no wars. From the first landing of 1622. colonists in Virginia, the power of the natives was despised; their strongest weapons were such arrows as they could shape without the use of iron, such hatchets as could be made from stone; and an English mastiff seemed to them a terrible adversary.(4) Nor were their numbers considerable. Within sixty miles of Jamestown, it is computed, there were no more than five thousand souls, or about fifteen hundred warriors. The whole territory of the clans which listened to Powhatan as their leader or their conqueror, comprehended about eight thousand square miles, thirty tribes, and twenty-four hundred warriors; so that the Indian population amounted to about one inhabitant to a square mile.(5) The natives, naked

(1) Thorp's letter of May 17, 1621, in a marginal note in Purchas, iv. 1789.

(2) Stith, 162, 166, 172, 173.

(3) Mem. of Religious Charitie, in *State of Virginia*, 1622, p. 51—54.

(4) Smith, ii. 68. Stith, 211.

(5) Smith, i. 129. Compare Jefferson's *Notes*, Quære xi.; *True Declaration of Virginia*, 10. "The extent of a hundred miles was scarce peopled with two thousand inhabitants."

and feeble compared with the Europeans, were nowhere concentrated in considerable villages, but dwelt dispersed in hamlets, with from forty to sixty in each company. Few places had more than two hundred, and many had less.(1) It was also unusual for any large portion of these tribes to be assembled together. An idle tale of an ambuscade of three or four thousand is perhaps an error for three or four hundred, otherwise it is an extravagant fiction, wholly unworthy of belief.(2) Smith once met a party that seemed to amount to seven hundred; and, so complete was the superiority conferred by the use of fire-arms, that with fifteen men he was able to withstand them all.(3) The savages were therefore regarded with contempt or compassion. No uniform care had been taken to conciliate their good-will, although their condition had been improved by some of the arts of civilized life. The degree of their advancement may be judged by the intelligence of their chieftain. A house having been built for Opechancanough after the English fashion, he took such delight in the lock and key, that he would lock and unlock the door a hundred times a day, and thought the device incomparable.(4) When Wyatt arrived, the natives expressed a fear lest his intentions should be hostile: he assured them of his wish to preserve inviolable peace, and the emigrants had no use for fire-arms except against a deer or a fowl. Confidence so far increased, that the old law, which made death the penalty for teaching the Indians to use a musket, was forgotten, and they were now employed as fowlers and huntsmen.(5) The plantations of the English were widely extended, in unsuspecting confidence, along the James River, and towards the Potomac, wherever rich grounds invited to the culture of tobacco; (6) nor were solitary places, remote from neighbours, avoided, since there would there be less competition for the ownership of the soil.

Powhatan, the father of Pocahontas, remained, after the marriage of his daughter, the firm friend of the English. He died in 1618, and his younger brother was now the

(1) Smith, ii. 66. Purchas, iv. 1790. State of Virginia in 1622, p. 19. Heylin, b. iv. 96.

(2) Smith, i. 177, abundantly refuted by what "Smith writ with his own hand," i. 129. Burk, i. 311, 312, condemned too hastily.

(3) Smith, i. 129.

(4) Smith, ii. 68. Stith, 211.

(5) Ibid. ii. 108. Beverley, 38.

(6) Beverley, 38. Burk, i. 231, 232.

beir to his influence. Should the native occupants of the soil consent to be driven from their ancient patrimony? Should their feebleness submit patiently to contempt, injury, and the loss of their lands? The desire of self-preservation, the necessity of self-defence, seemed to demand an active resistance; to preserve their dwelling-places, the English must be exterminated; in open battle the Indians would be powerless; conscious of their weakness, they could not hope to accomplish their end except by a preconcerted surprise. The crime was one of savage ferocity, but it was suggested by their situation. They were timorous and quick of apprehension, and consequently treacherous, for treachery and falsehood are the vices of cowardice. The attack was prepared with impenetrable secrecy. To the very last hour the Indians preserved the language of friendship; they borrowed the boats of the English to attend their own assemblies; on the very morning of the massacre they were in the houses and at the tables of those whose death they were plotting. "Sooner," said they, "shall the sky fall, than peace be violated on our part." At length, on the 22nd of March, at mid-day, at one and the same instant of time, the Indians fell upon an unsuspecting population, which was scattered through distant villages, extending one hundred and forty miles, on both sides of the river. The onset was so sudden, that the blow was not discerned till it fell. None were spared: children and women, as well as men; the missionary, who had cherished the natives with untiring gentleness; the liberal benefactors, from whom they had received daily kindnesses,—all were murdered with indiscriminate barbarity, and every aggravation of cruelty. The savages fell upon the dead bodies, as if it had been possible to commit on them a fresh murder.

In one hour three hundred and forty-seven persons were cut off. Yet the carnage was not universal, and Virginia was saved from so disastrous a grave.⁽¹⁾ The night before the execution of the conspiracy, it was revealed by a converted Indian to an Englishman whom he wished to rescue; Jamestown and the nearest settlements were well prepared against an attack; and the savages, as timid

(1) On the Massacre: a Declaration of the State of Virginia, with a Relation of the barbarous Massacre, &c. &c. 1622. This is the groundwork of the narrative in Smith, ii. 65—76, and of Purchas, iv. 1788—1791. *Stith*, 208—213.

as they were ferocious, fled with precipitation from the appearance of wakeful resistance. Thus the larger part of the colony was saved.(1) A year after the massacre, there still remained two thousand five hundred men; the total number of the emigrants had exceeded four thousand. The immediate consequences of this massacre were disastrous. Public works were abandoned;(2) the culture of the fields was much restricted; the settlements were reduced from eighty plantations to less than eight.(3) Sickness prevailed among the dispirited colonists, who were now crowded into narrow quarters; some even returned to England. But plans of industry were eventually succeeded by schemes of revenge, and a war of extermination ensued. In England, the news, far from dispiriting the adventurers, awakened them to strong feelings of compassionate interest; the purchase of Virginia was endeared by the sacrifice of so much life, and the blood of the victims became the nurture of the plantation.(4) New supplies and assistance were promptly despatched; even King James, for a moment, affected a sentiment of generosity, and, like the churl, gave from the tower of London presents of arms which had been thrown by as good for nothing in Europe. They might be useful, thought the monarch, against the Indians! He also made good promises, which were never fulfilled.(5) The city of London contributed to repair the losses of the Virginians, and many private persons displayed an honourable liberality.(6) Smith volunteered his services to protect the planters, overawe the savages, and make discoveries; the company had no funds, and his proposition was never made a matter of public discussion or record; but some of the members, with ludicrous cupidity, proposed he should have leave to go at his own expense, if he would grant the corporation one-half of the pillage.(7) There were in the colony much loss and much sorrow, but never any serious apprehensions of discomfiture from the Indians. The midnight surprise, the ambuscade by day, might be feared; the Indians promptly fled on the least indications of watchfulness and resistance. There were not wanting

(1) State of Virginia, in 1622, p. 18. Purchas, iv. 1792, says 1,800 survived; probably inexact. Compare Holmes, i. 176, note.

(2) Stith, 281, 219, 218.

(3) Purchas, iv. 1792. Virginia's Verger, in Purchas, iv. 1816. Stith, 235.

(4) Stith, 233.

(5) Burk, i. 248, 249.

(6) *Ibid.* 232, 233.

(7) Smith, ii. 79—81. Stith, 234.

men who now advocated an entire subjection of those whom lenity could not win, and the example of Spanish cruelties was cited with applause.(1) Besides, a natural instinct had led the Indians to select for their villages the pleasantest places, along the purest streams, and near the soil that was most easily cultivated. Their rights of property were no longer much respected; their open fields and villages were now appropriated by the colonists, who could plead the laws of war in defence of their covetousness. Treachery also was employed. The tangled woods, the fastnesses of nature, were the bulwarks to which the savages retreated. Pursuit would have been vain; they could not be destroyed except as they were lulled into security, and induced to return to their old homes.(2)

1623. In July of the following year, the inhabitants of the several settlements, in parties, under commissioned officers, fell upon the adjoining savages; and a law of the general assembly commanded, that in July of 1624

1630. the attack should be repeated. Six years later the colonial statute-book proves that schemes of ruthless vengeance were still meditated; for it was sternly insisted that no peace should be concluded with the Indians,—a

1632. law which remained in force till a treaty in the administration of Harvey.(3)

1623. Meantime, a change was preparing in the relations of the colony with the parent state. A corporation, whether commercial or proprietary, is, perhaps, the worst of sovereigns. Gain is the object which leads to the formation of those companies, and which constitutes the interest most likely to be fostered. If such a company be wisely administered, its colonists are made subservient to commercial avarice. If, on the other hand, the interests of the company are sacrificed, the colonists, not less than the proprietors, are pillaged for the benefit of faithless agents. Where an individual is the sovereign, there is room for an appeal to magnanimity, to benevolence, to the love of glory; where the privilege of self-government is enjoyed, a permanent interest is sure to gain the ultimate ascendancy; but corporate ambition is deaf to mercy, and insensible to shame.

The Virginia colony had been unsuccessful. A settle-

(1) *Stith*, 233. *Smith*, ii. 71, 72.

(2) *Stith*, 303.

(3) *Burk*, i. 275; ii. 37. *Hening*, i.

ment had been made; but only after a vast expenditure of money, and a great sacrifice of human life. Angry factions distract unsuccessful institutions; and the London company was now rent by two parties, which were growing more and more embittered. As the shares in the unproductive stock were of little value, the contests were chiefly for power; and were not so much the wranglings of disappointed merchants, as the struggle of political leaders. The meetings of the company, which now consisted of a thousand adventurers, of whom two hundred or more usually appeared at the quarter courts,⁽¹⁾ were the scenes for freedom of debate, where the patriots, who in Parliament advocated the cause of liberty, triumphantly opposed the decrees of the privy council on subjects connected with the rights of Virginia. The unsuccessful party in the company naturally found an ally in the king; it could hope for success only by establishing the supremacy of his prerogative; and the monarch, dissatisfied at having intrusted to others the control of the colony, now desired to recover the influence of which he was deprived by a charter of his own concession. Besides, he disliked the freedom of debate. "The Virginia courts," said Gonde-mar, the Spanish envoy, to King James, "are but a seminary to a seditious Parliament."⁽²⁾ Yet the people of England, regarding only the failure of their extravagant hopes in the American plantations, took little interest in the progress of the controversy which now grew up between the monarch and the corporation; and the inhabitants of the colony were still more indifferent spectators of the strife, which related not to their liberties, but to their immediate sovereign.⁽³⁾ Besides, there was something of retributive justice in the royal proceedings. The present proprietors enjoyed their privileges in consequence of a wrong done to the original patentees, and now suffered no greater injury than had been before inflicted on others for their benefit.⁽⁴⁾

At the meeting for the choice of officers, in 1622, 1622. King James once more attempted to control the elections, by sending a message nominating several candidates,

(1) Stith, 282—286.

(2) *New Description*, ii. Mass. Hist. Coll. ix. 113.

(3) *Jefferson's Notes on Virginia*, 152, 153.

(4) *Smith*, ii. 107.

out of whom they were to choose their treasurer. The advice of the king was disregarded, and a great majority re-elected the Earl of Southampton.(1) Unable to get the control of the company by overawing their assemblies, the monarch now resolved upon the sequestration of the patent; and raised no other question, than how the unjust design could most plausibly be accomplished, and the law of England be made the successful instrument of tyranny. The allegation of grievances, set forth by the court faction in a petition to the king, was fully refuted by the company, and the whole ground of discontent was answered by an explanatory declaration.(2) Yet commissioners were appointed to engage in a general investigation of the concerns of the corporation; the records were seized, the deputy-treasurer imprisoned, and private letters from Virginia intercepted for inspection.(3) Smith was particularly examined; his honest answers plainly exposed the defective arrangements of previous years, and favoured the cancelling of the charter as an act of benevolence to the colony.(4)

The result surprised every one: the king, by an order in council, made known that the disasters of Virginia were a consequence of the ill-government of the company; that he had resolved, by a new charter, to reserve to himself the appointment of the officers in England, a negative on appointments in Virginia, and the supreme control of all colonial affairs. Private interests were to be sacredly preserved, and all grants of land to be renewed and confirmed. Should the company resist the change, its patent would be recalled.(5) This was in substance a proposition to revert to the charter originally granted.

It is difficult to obtain a limitation of authority from a corporate body: an aristocracy is, of all forms of government, the most tenacious of life, and the least flexible in its purposes. The company heard the order in council with amazement: it was read three several times; and after the reading, for a long while no man spoke a word. Should they tamely surrender privileges which were conceded according to the forms of law, had been possessed

(1) Burk, i. 257.

(2) In Burk, i. 316—330; Stith, 276, 277, and 281—287.

(3) Stith, 298. Burk, i. 268. Rymer, xvii. 490—498.

(4) Smith, ii. 102—108.

(5) Burk, i. 289. Stith, 303, 304.

for many years, and had led them to expend large sums of money, that had as yet yielded no return? The corporation was inflexible, for it had no interest to yield. It desired only a month's delay, that all its members might take part in the final decision. The privy council peremptorily demanded a decisive answer within three days; and, at the expiration of that time, the surrender of the charter was strenuously refused.(1) The liberties of the company were a trust which might be yielded to superior force, but could not be freely abandoned without dishonour.

But the decision of the king was already taken; and commissioners were appointed to proceed to Virginia, to examine into the state of the plantation, to ascertain what expectations might be conceived, and to discover the means by which good hopes were to be realized.(2) John Harvey and Samuel Matthews, both distinguished in the annals of Virginia, were of the number of the committee.

It now only remained to issue a writ of *quo warranto* against the company. It was done; and, at the next quarter court, the adventurers—seven only opposing—confirmed the former refusal to surrender the charter, and made preparations for defence.(3) For that purpose, their papers were for a season restored. While they were once more in the hands of the company, they were fortunately copied; and the copy, having been purchased by a Virginian, was consulted by Stith, and gave to his history the authority of an original record.(4)

While these things were transacting in England, 1634. the commissioners, early in the year, arrived in the colony. A meeting of the general assembly was immediately convened; and, as the company had refuted the allegations of King James, as opposed to their interests, so the colonists replied to them as contrary to their honour and good name. The principal prayer was, that the governors might not have absolute power; and that the liberty of popular assemblies might be retained; "for," say they, "nothing can conduce more to the public satisfaction and the public utility."(5) To urge this solicitation,

(1) Stith, 294—296. Burk, i. 269—271.

(2) Burk, i. 272, and note. Chalmers, 62, 76.

(3) Stith, 298, 300.

(4) Burk, i. 274. Henning, i. 76.

(5) Burk, i. 276, 277.

an agent was appointed to repair to England. The manner in which the expenses of the mission were borne, marks colonial times and manners, and the universality of the excitement. A tax of four pounds of the best tobacco was levied upon every male who was above sixteen years, and had been in the colony a twelvemonth.(1) The commissioner unfortunately died on his passage to Europe.(2)

The spirit of liberty had planted itself deeply among the Virginians. It had been easier to root out the staple produce of their plantations, than to wrest from them their established franchises. The movements of their government display the spirit of the place and the aptitude of the English colonies for liberty. A faithless clerk, who had been suborned by one of the commissioners to betray the secret consultations of the Virginians, was promptly punished. In vain was it attempted, by means of intimidation and promises of royal favour, to obtain a petition for the revocation of the charter. It was under that charter that the assembly was itself convened; and, after prudently rejecting a proposition which might have endangered its own existence, it proceeded to memorable acts of independent legislation.(3)

The rights of property were strictly maintained against arbitrary taxation. "The governor shall not lay any taxes or ympositions upon the colony, their lands or commodities, other way than by the authority of the general assembly, to be levied and ymployed as the said assembly shall appoynt." Thus Virginia, the oldest colony, was the first to set the example of a just and firm legislation on the management of the public money. We shall see others imitate the example, which could not be excelled. The rights of personal liberty were likewise asserted, and the power of the executive circumscribed. The several governors had in vain attempted, by penal statutes, to promote the culture of corn: the true remedy was now discovered by the colonial legislature. "For the encouragement of men to plant store of corn, the price shall not be stinted, but it shall be free for every man to sell it as deare as he can." The reports of controversies in England rendered it necessary to provide for the public tranquillity by an express enactment—"that no person within the colony,

(1) *Hening*, i. 128, Act 35.

(2) *Burk*, i. 277.

(3) *Hening*, i. 122—128. *Burk*, i. 278—286. *Stath*, 318—322.

upon the rumour of supposed change and alteration, presume to be disobedient to the present government." The law was dictated by the emergency of the times; and, during the struggle in London, the administration of Virginia was based upon a popular decree. These laws, so judiciously framed, show how readily, with the aid of free discussion, men become good legislators on their own concerns; for wise legislation is the enacting of proper laws at proper times; and no criterion is so nearly infallible as the fair representation of the interests to be affected.

While the commissioners were urging the Virginians to renounce their right to the privileges which they exercised so well, the English parliament assembled; and a gleam of hope revived in the company, as it forwarded an elaborate petition(1) to the grand inquest of the kingdom. It is a sure proof of the unpopularity of the corporation, that it met with no support from the commons;(2) but Sir Edwin Sandys, more intent on the welfare of Virginia than the existence of the company, was able to secure for the colonial staple complete protection against foreign tobacco, by a petition of grace,(3) which was followed by a royal proclamation.(4) The people of England could not have given a more earnest proof of their disposition to foster the plantations in America, than by restraining all competition in their own market for the benefit of the American planter.

Meantime, the commissioners arrived from the colony, and made their report to the king.(5) They enumerated the disasters which had befallen the infant settlement; they eulogized the fertility of the soil and the salubrity of the climate; they aggravated the neglect of the company in regard to the encouragement of staple commodities; they esteemed the plantations of great national importance, and an honourable monument of the reign of King James; they expressed a preference for the original constitution of 1606; they declared, that the alteration of the charter to so popular a course, and so many hands,

(1) Stith, 324—328.

(2) Chalmers, 66, 66. Burk, i. 291.

(3) Stith, 328, refers to the nine grievances; erroneously. See Cobbett's Parl. Hist. i. 1489—1497. The Commons acted by petition. Hazard, i. 193.

(4) Hazard, i. 193—198.

(5) *Ibid.* i. 190, 191. Burk, i. 291, 292.

referring, not to the colonial franchises, but to the democratic form of the London company, could lead only to confusion and contention; and they promised prosperity only by a recurrence to the original instructions of the monarch.

Now, therefore, nothing but the judicial decision remained. The decree, which was to be pronounced by judges who held their office by the tenure of the royal pleasure,(1) could not long remain doubtful: at the Trinity term of the ensuing year judgment was given against the treasurer and company,(2) and the patents were cancelled.

Thus the company was dissolved. It had fulfilled its high destinies; it had confirmed the colonization of Virginia, and had conceded a liberal form of government to Englishmen in America. It could accomplish no more. The members were probably willing to escape from a concern which promised no emolument, and threatened an unprofitable strife; the public acquiesced in the fall of a corporation which had of late maintained but a sickly and hopeless existence; and it was clearly perceived, that a body rent by internal factions, and opposed by the whole force of the English court, could never succeed in fostering Virginia. The fate of the London company found little sympathy; in the domestic government and franchises of the colony, it produced no immediate change. Sir Francis Wyatt, though he had been an ardent friend of the London company, was confirmed in office; and he and his council, far from being rendered absolute, were only empowered to govern "as fully and amply as any governor and council resident there, at any time within the space of five years now last past." This term of five years was precisely the period of representative government: and the limitation could not but be interpreted as sanctioning the continuance of popular assemblies. The king, in appointing the council in Virginia, refused to nominate the embittered partisans of the court faction,

(1) Story's Com. i. 27.

(2) Stith, 329, 330, doubts if judgment were passed. The doubt may be removed. "Before the end of the same term, a judgment was declared by the Lord Chief Justice Ley against the company and their charter, only upon a failer, or mistake in pleading." See a Short Collection of the most Remarkable Passages from the Original to the Dissolution of the Virginia Company; London, 1651, p. 15. See, also, Hazard, i. 191; Chalmers, 62; Proud's Pennsylvania, i. 107.

but formed the administration on the principles of accommodation.⁽¹⁾ The vanity of the monarch claimed the opportunity of establishing for the colony a code of fundamental laws; but death prevented the royal legislator from attempting the task, which would have furnished his self-complacency so grateful an occupation.

CHAPTER VI.

RESTRICTIONS ON COLONIAL COMMERCE.

ASCENDING the throne in his twenty-fifth year, 1625. Charles I. inherited the principles and was governed by the favourite of his father. The rejoicings in consequence of his recent nuptials, the reception of his bride, and preparations for a parliament, left him little leisure for American affairs. Virginia was esteemed by the monarch as the country producing tobacco; its inhabitants were valued at court as planters, and prized according to the revenue derived from the staple of their industry. The plantation, no longer governed by a chartered company, was become a royal province and an object of favour; and, as it enforced conformity to the Church of England, it could not be an object of suspicion to the clergy or the court. The king felt an earnest desire to heal old grievances, to secure the personal rights and property of the colonists, and to promote their prosperity. Franchises were neither conceded nor restricted: for it did not occur to his pride, that, at that time, there could be in an American province anything like established privileges or vigorous political life; nor was he aware that the seeds of liberty were already germinating on the borders of the Chesapeake. His first Virginian measure was a proclamation on tobacco; confirming to Virginia and the Somer Isles the exclusive supply of the British market, under penalty of the censure of the Star-chamber for disobedience. In a few days, a new proclamation appeared, in which it was his evident design to secure the profits that might before have been engrossed by the cor-

(1) Hazard, i. 189, 192. Burt, ii. 11, from ancient records.

poration. After a careful declaration of the forfeiture of the charters, and consequently of the immediate dependence of Virginia upon himself, a declaration aimed against the claims of the London company, and not against the franchises of the colonists, the monarch proceeded to announce his fixed resolution of becoming, through his agents, the sole factor of the planters. Indifferent to their constitution, it was his principal aim to monopolize the profits of their industry; and the political rights of Virginia were established as usages by his salutary neglect.(1)

There is no room to suppose that Charles nourished the design of suppressing the colonial assemblies. For some months, the organization of the government was not changed; and when Wyatt, on the death of his father, obtained leave to return to Scotland, Sir George Yeardley 1626. was appointed his successor. This appointment was in itself a guarantee, that, as "the former interests of Virginia were to be kept inviolate,"(2) so the representative government, the chief political interest, would be maintained; for it was Yeardley who had had the glory of introducing the system. In the commission now issued,(3) the monarch expressed his desire to benefit, encourage, and perfect the plantation; "the same means, that were formerly thought fit for the maintenance of the colony," were continued; and the power of the governor and council was limited, as it had before been done in the commission of Wyatt, by a reference to the usages of the last five years. In that period, representative liberty had become the custom of Virginia. The words were interpreted as favouring the wishes of the colonists; and King Charles, intent only on increasing his revenue, confirmed, perhaps unconsciously, the existence of a popular assembly. The colony prospered; Virginia rose rapidly 1627. in public estimation; in one year, a thousand emigrants arrived; and there was an increasing demand for all the products of the soil.

The career of Yeardley was now closed by death. Posterity will ever retain a grateful recollection of the man who first convened a representative assembly in the western

(1) Hazard, i. 202—205. Burk, ii. 14, 15.

(2) Letter of the Privy Council, in Burk, ii. 18.

(3) Hazard, i. 230—234.

hemisphere; the colonists, announcing his decease in a letter to the privy council, gave at the same time a eulogy on his virtues; the surest evidence of his fidelity to their interests.(1) The day after his burial, Francis West was elected his successor;(2) for the council was authorized to elect the governor, "from time to time, as often as the case shall require."(3)

But if any doubts existed of the royal assent to
1628. the continuance of colonial assemblies, they were soon removed by a letter of instructions, which the king addressed to the governor and council. After much cavilling, in the style of a purchaser who undervalues the wares which he wishes to buy, the monarch arrives at his main purpose, and offers to contract for the whole crop of tobacco; desiring, at the same time, that an assembly might be convened to consider his proposal.(4) This is the first recognition, on the part of a Stuart, of a representative assembly in America. Hitherto, the king had, fortunately for the colony, found no time to take order for its government. His zeal for an exclusive contract led him to observe and to sanction the existence of an elective
1629. legislature. The assembly, in its answer, firmly protested against the monopoly, and rejected the conditions which they had been summoned to approve. The independent reply of the assembly was signed by the governor, by five members of the council, and by thirty-one burgesses. The Virginians, happier than the people of England, enjoyed a faithful representative government, and, through the resident planters who composed the council, they repeatedly elected their own governor. When West designed to embark for Europe, his place was supplied by election.(5)

No sooner had the news of the death of Yeardley
1628. reached England, than the king proceeded to issue a commission(6) to John Harvey. The tenor of the instrument offered no invasions of colonial freedom; but while it renewed the limitations which had previously been set to the executive authority, it permitted the council in Virginia, which had common interests with the people, to supply all vacancies occurring in their body. In this way direct oppression was rendered impossible.

(1) *Burk*, ii. 22, 23.

(2) *Hening*, i. 4.

(3) *Hazard*, i. 233.

(4) *Burk*, ii. 19, 20. *Hening*, i. 129.

(5) *Hening*, i. 134—137. *Burk*, ii. 24.

(6) *Hazard*, i. 234—235.

1623- It was during the period which elapsed between
1629- the appointment of Harvey and his appearance in America, that Lord Baltimore visited Virginia. The zeal of religious bigotry pursued him as a Romanist; (1) and the intolerant jealousy of Popery led to memorable results. Nor should we, in this connection, forget the hospitable plans of the southern planters; the people of New Plymouth were invited to abandon the cold and sterile clime of New England, and plant themselves in the milder regions on the Delaware Bay; (2) a plain indication that Puritans were not then molested in Virginia.

It was probably in the autumn of 1629 that Harvey arrived in Virginia. (3) Till October, the name of Pott appears as governor; Harvey met his first assembly 1630. of burgesses in the following March. (4) He had for several years been a member of the council; and as, at a former day, he had been a willing instrument in the hands of the faction to which Virginia ascribed its earliest griefs, and continued to bear a deep-rooted hostility, his appointment could not but be unpopular. The colony had 1630- esteemed it a special favour from King James, that, 1635. upon the substitution of the royal authority for the corporate supremacy, the government had been intrusted to impartial agents; and, after the death of Yeardley, two successive chief magistrates had been elected in Virginia. The appointment of Harvey implied a change of power among political parties; it gave authority to a man whose connections in England were precisely those which the colony regarded with the utmost aversion. As his first appearance in America, in 1623, had been with no friendly designs, so now he was the support of those who desired large grants of land and unreasonable concessions of separate jurisdictions; and he preferred the interests of himself, his partisans and patrons, to the welfare and quiet of the colony. The extravagant language, which exhibited him as a tyrant, without specifying his crimes, was the natural hyperbole of political excitement; and when historians, receiving the account, and interpreting tyranny to mean arbitrary taxation, drew the inference that he convened no assemblies, trifled with the rights of property,

(1) *Records*, in *Burk*, ii. 24, 25. *Hening*, i. 552.

(2) *Burk*, ii. 33.

(3) *Chalmers*, 118.

(4) *Hening*, i. 4, and 147.

and levied taxes according to his caprice, they were betrayed into extravagant errors. Such a procedure would have been impossible. He had no soldiers at his command; no obsequious officers to enforce his will; and the Virginians would never have made themselves the instruments of their own oppression. The party opposed to Harvey was deficient neither in capacity nor in colonial influence; and while arbitrary power was rapidly advancing to triumph in England, the Virginians, during the whole period, enjoyed the benefit of independent colonial legislation; (1) through the agency of their representatives, they levied and appropriated all taxes, (2) secured the free industry of their citizens, (3) guarded the forts with their own soldiers, at their own charge, (4) and gave to their statutes the greatest possible publicity. (5) When the defects and inconveniences of infant legislation were remedied by a revised code, which was published with

(1) As an opposite statement has received the sanction, not of Oldmixon, Chalmers, and Robertson only, but of Marshall and of Story (see Story's *Commentaries*, i. 28, "without the slightest effort to convene a colonial assembly"), I deem it necessary to state, that many of the statutes of Virginia under Harvey still exist, and that, though many others are lost, the first volume of Hening's *Statutes at Large* proves, beyond a question, that assemblies were convened, at least, as often as follows:—

| | |
|-------------------|-----------------------|
| 1680, March..... | Hening, i. 147—153. |
| 1680, April | <i>Ibid.</i> 257. |
| 1682, February .. | <i>Ibid.</i> 153—177. |
| 1682, September.. | <i>Ibid.</i> 178—202. |
| 1683, February .. | <i>Ibid.</i> 202—209. |
| 1683, August | <i>Ibid.</i> 209—222. |
| 1684, | <i>Ibid.</i> 223. |
| 1685, | <i>Ibid.</i> 223. |
| 1686, | <i>Ibid.</i> 229. |
| 1687, | <i>Ibid.</i> 237. |
| 1689, | <i>Ibid.</i> 229—230. |
| 1640, | <i>Ibid.</i> 208. |
| 1641, June | <i>Ibid.</i> 229—262. |
| 1642, January.... | <i>Ibid.</i> 267. |
| 1642, April | <i>Ibid.</i> 230. |
| 1642, June | <i>Ibid.</i> 269. |

Considering how imperfect are the early records, it is surprising that so considerable a list can be established. The instructions to Sir William Berkeley do not first order assemblies, but speak of them as of a thing established. At an adjourned session of Berkeley's first legislature, the assembly declares "its meeting exceeding *customary* limits, in this place used." Hening, i. 236. This is a plain declaration, that assemblies were the custom and use of Virginia at the time of Berkeley's arrival. If any doubts remain, it would be easy to multiply arguments and references. Burk, ii. App. xlix. li.

(2) Hening, i. 171, Act 38.

(4) *Ibid.* 175, Acts 57 and 58.

(3) *Ibid.* 172, Act 40.

(5) *Ibid.* 177, Act 68.

the approbation of the governor and council,(1) all the privileges which the assembly had ever claimed were carefully confirmed.(2) Indeed, they seem never to have been questioned.

Yet the administration of Harvey was disturbed 1635. by divisions, which grew out of other causes than infringements of the constitution. De Vries, who visited Virginia in 1632-3, had reason to praise the advanced condition of the settlement, the abundance of its products, and the liberality of its governor.(3) The community would hardly have been much disturbed because fines were exacted with too relentless rigour;(4) but the whole colony of Virginia was in a state of excitement and alarm, in consequence of the dismemberment of its territory by the cession to Lord Baltimore. As in many of the earlier settlements, questions about land-titles were agitated with passion; and there was reason to apprehend the increase of extravagant grants, that would again include the soil on which plantations had already been made without the acquisition of an indisputable legal claim. In Maryland, the first occupants had refused to submit, and a skirmish had ensued, in which the blood of Europeans was shed for the first time on the waters of the Chesapeake; and Clayborne, defeated and banished from Maryland as a murderer(5) and an outlaw, sheltered himself in Virginia, where he had long been a member of the council. There the contest was renewed; and Harvey, far from attempting to enforce the claims of Virginia against the royal grant, sent Clayborne to England to answer for the crimes with which he was charged. The colonists were indignant that their governor should thus, as it seemed to them, betray their interests; and as the majority of the council favoured their wishes, "Sir John Harvey was thrust out of his government; and Captain John West appointed to the office, till the king's pleasure be known." An assembly was summoned in May, to receive complaints against Harvey; but he had in the

(1) Hening, 179.

(2) *Ibid.* 180-202. See, particularly, Acts 34, 35, 36, 39, 46, 57, 58, 61.

(3) De Vries, *Korte Historiæ ende Journals*—a rare work, which Ebeling had never seen.

(4) Beverley, 48. Bullock, 10.

(5) *Hammond's Leah and Rachel*.

meantime consented to go to England, and there meet his accusers.(1)

The commissioners appointed by the council to ^{1636.} manage the impeachment of Harvey met with no favour in England, and were not even admitted to a hearing.(2) Harvey immediately re-appeared to occupy his former station; and was followed by a new commission, by which his powers were still limited to such as had been exercised during the period of legislative freedom. General assemblies continued to be held; but the vacancies in the council, which had been filled in Virginia, were henceforward to be supplied by appointment in England.(3) Harvey remained in office till 1639.(4) The complaints which have been brought against him will be regarded with some degree of distrust, when it is considered, that the public mind of the colony, during his administration, was controlled by a party which pursued him with implacable hostility. In April, 1642, two months only after the accession of Berkeley, a public document declares the comparative happiness of the colony under the royal government; a declaration which would hardly have been made, if Virginia had so recently and so long been smarting under intolerable oppression.(5)

At length he was superseded, and Sir Francis ^{1639.} Wyatt(6) appointed in his stead. Early in the next year, he convened a general assembly. History has recorded many instances where a legislature has ^{1640.} altered the scale of debts: in modern times, it has frequently been done by debasing the coin, or by introducing paper money. In Virginia, debts had been contracted to

(1) Hening, i. 223 and 4. Oldmixon, i. 240. Oldmixon is unworthy of implicit trust. Beverley, 48, is not accurate. Campbell's Virginia, 60—a modest little book. Chalmers, 118, 119, is betrayed into error by following Oldmixon. Burk, ii. 41, 42. Bullock's Virginia, 10. Robertson, in his History of Virginia, after the dissolution of the company, furnishes a tissue of inventions. Keith, 143, 144, places in 1639 the occurrences of 1635. His book is superficial.

(2) Burk, ii. 46. Yet Burk corrected but half the errors of his predecessors.

(3) Hazard, i. 400—403.

(4) Campbell, 61. Hening, i. 4.

(5) Hening, i. 231.

(6) Rymer, xx. 484. Hazard, i. 477. Savage on Winthrop, ii. 160, 161. A note by Savage settles a question. Hening, i. 224 and 4. Campbell, 61. But Keith, and Beverley, and Chalmers, and Burk, and Marshall were ignorant of such a governor as Wyatt, in 1639, and represent Berkeley as the immediate successor of Harvey.

be paid in tobacco; and when the article rose in value, in consequence of laws restricting its culture, the legislature of Virginia did not scruple to provide a remedy, by enacting that "no man need pay more than two-thirds of his debt during the stint;" and that all creditors should take "forty pounds for a hundred." (1) The artificial increase of the value of tobacco seemed to require a corresponding change in the tariff of debts. (2)

After two years, a commission (3) was issued to Sir 1641. William Berkeley. Historians, reasoning from the revolutions which took place in England, that there had been corresponding attempts at oppression and corresponding resistance in Virginia, have delighted to draw a contrast, not only between Harvey and the new governor, but between the institutions of Virginia under their respective governments; and Berkeley is said to have "restored the system of freedom," and to have "effected an essential revolution." (4) I cannot find that his appointment was marked by the slightest concession of new political privileges, except that the council recovered the right of supplying its own vacancies; and the historians, who make an opposite statement, are wholly ignorant of the intermediate administration of Wyatt; a government so suited to the tastes and habits of the planters, that it passed silently away, leaving almost no impression on Virginia history, except in its statutes. The commission of Berkeley was exactly analogous to those of his predecessors.

The instructions (5) given him, far from granting franchises to the Virginians, imposed new, severe, and unwarrantable restrictions on the liberty of trade; and, for the first time, England claimed that monopoly of colonial commerce, which was ultimately enforced by the navigation act of Charles II., and which never ceased to be a subject of dispute till the war of independence. The nature of those instructions will presently be explained.

It was in February, 1642, that Sir William Berke- 1642. ley, arriving in the colony, assumed the government. His arrival must have been nearly simultaneous with the adjournment of the general assembly, which was held in

(1) Hening, i. 225, 226.

(2) *Basard*, i. 477—480. Rymer, xx. 484—486.

(4) *Chalmers*, 120, 121.

(3) *Brockenbrough's Virginia*, 586

(5) *Ibid.* 131—133.

the preceding January.(1) He found the American planters in possession of a large share of the legislative authority; and he confirmed them in the enjoyment of franchises which a long and uninterrupted succession had rendered familiar. Immediately after his arrival, he convened the colonial legislature. The utmost harmony prevailed; the memory of factions was lost in a general amnesty of ancient griefs. The lapse of years had so far effaced the divisions which grew out of the dissolution of the company, that when George Sandys, an agent of the colony, and an opponent of the royal party in England, presented a petition to the commons, praying for the restoration of the ancient patents,(2) the royalist assembly promptly disavowed the design, and, after a full debate, opposed it by a solemn protest.(3) The whole document breathes the tone of a body accustomed to public discussion and the independent exercise of legislative power. They assert the necessity of the freedom of trade; "for freedom of trade," say they, "is the blood and life of a commonwealth." And they defended their preference of self-government through a colonial legislature, by a conclusive argument. "There is more likelihood, that such as are acquainted with the clime and its accidents may upon better grounds prescribe our advantages, than such as shall sit at the helm in England."(4) In reply to their urgent petition, the king immediately declared his purpose not to change a form of government in which they "received so much content and satisfaction."(5)

The Virginians, aided by Sir William Berkeley,(6) could now deliberately perfect their civil condition. Condemnations to service had been a usual punishment; these were abolished. In the courts of justice, a near approach was made to the laws and customs of England. Religion was provided for; the law about land-titles adjusted; an amicable treaty with Maryland successfully matured; and peace with the Indians confirmed. Taxes were assessed, not in proportion to numbers, but to men's abilities and

(1) The acts of that session are lost, but are referred to in Hening, i. 267—269, in the acts 49, 50, 51, 52. The statutes, of course, call the year 1641, as the year then began in March.

(2) Chalmers, 121. Hening, i. 230.

(3) Hening, i. 230—236. Burk, ii. 68—74.

(4) Chalmers, 133, 134. Burk, ii. 74.

(5) Hammond's Leah and Rachel, 12.

Hening, i. 230.

estates. The spirit of liberty, displayed in the English parliament, was transmitted to America; and the rights of property, the freedom of industry, the solemn exercise of civil franchises, seemed to be secured to themselves and their posterity. "A future immunity from taxes and impositions," except such as should be freely voted for their own wants, "was expected as the fruits of the endeavours of their legislature." (1) As the restraints with which colonial navigation was threatened were not enforced, (2) they attracted no attention; and Virginia enjoyed nearly all the liberties which a monarch could concede, and retain his supremacy.

Believing themselves secure of all their privileges, the triumph of the popular party in England did not alter the condition or the affections of the Virginians. The commissioners appointed by Parliament, with unlimited authority over the plantations, (3) found no favour in Virginia. They promised, indeed, freedom from English taxation; but this immunity was already enjoyed. They gave the colony liberty to choose its own governor; but it had no dislike to Berkeley; and though there was a party for the parliament, yet the king's authority was maintained. (4) The sovereignty of Charles had ever been mildly exercised.

The condition of contending parties in England had now given to Virginia an opportunity of legislation independent of European control; and the voluntary act of the assembly, restraining religious liberty, adopted from hostility to political innovation, rather than from a spirit of fanaticism, or respect to instructions, proves conclusively the attachment of the representatives of Virginia to the Episcopal church and the cause of royalty. Yet, there had been Puritans in the colony almost from the beginning; even the Brownists were freely offered a secure asylum: (5) "Here," said the tolerant Whitaker, "neither surplice nor subscription is spoken of;" and several Puritan families, and perhaps (6) some even of the Puritan

(1) Hening, i. 237, 238.

(2) Chalmers, 124.

(3) Hazard, i. 539—538.

(4) Winthrop, ii. 159, 160, and the note of Savage.

(5) Bradford, in Prince.

(6) "I muse that so few of our English ministers, that were so hot against the surplice and subscription, come hither, where neither is spoken of." Whitaker, in Purchas, b. ix. c. xi.

clergy, emigrated to Virginia. They were so content with their reception, that large numbers were preparing to follow, and were restrained only by the forethought of English intolerance. (1) We have seen, that the Pilgrims at Plymouth were invited to remove within the jurisdiction of Virginia; Puritan merchants planted themselves on the James River without fear, and emigrants from Massachusetts had recently established themselves in the colony. The honour of Laud had been vindicated by a judicial sentence, (2) and south of the Potomac the decrees of the court of High Commission were allowed to be valid; but I find no traces of persecutions in the earliest history of Virginia. The laws were harsh: the administration seems to have been mild. A disposition to non-conformity was soon to show itself even in the council. An invitation, which had been sent to Boston for Puritan ministers, implies a belief that they would be admitted in Virginia. But now the democratic revolution in England had given an immediate political importance to religious sects: to tolerate Puritanism was to nurse a republican party. It was, therefore, specially ordered, that no minister should preach or teach, publicly or privately, except in conformity to the constitutions of the Church of England, (3) and non-conformists were banished from the colony. The unsocial spirit of political discord, fostering a mutual intolerance, prevented a frequent intercourse between Virginia and New England. It was in vain that the ministers, invited from Boston by the Puritan settlements in Virginia, carried letters from Winthrop, written to Berkeley and his council by order of the general court of Massachusetts. "The hearts of the people were much inflamed with desire after the ordinances;" but the missionaries were silenced by the government, and ordered to leave the country. (4) Sir William Berkeley was "a courtier, and very malignant towards the way of the churches" in New England.

While Virginia thus displayed, though with comparatively little bitterness, the intolerance which for centuries had almost universally prevailed throughout the Christian

(1) Compare Grahame, i. 219; Hawks, i. 35.

(2) Hening, i. 552. Burk, ii. 67.

(3) Act 64, Hening, i. 277.

(4) Winthrop's Journal, ii. 77, 78, 96, 96, and 164, 165. Hubbard's New England, 410, 411. Johnson, b. iii. c. xi. in ii. Mass. Hist. Coll. viii. 22. Hening, i. 275.

world, a scene of distress was prepared by the vindictive ferocity of the natives, with whom a state of hostility had been of long continuance. In 1643, it was enacted by the assembly, that no terms of peace should be entertained with the Indians, whom it was usual to distress by sudden marches against their settlements. But the Indians had now heard of the dissensions in England; and, taking counsel of their passions rather than of their prudence, they resolved on one more attempt at a general massacre,—believing that, by midnight incursions, the destruction of the cattle and the fields of corn, they might succeed in famishing the remnant of the colonists, whom they should not be able to murder by surprise. On the eighteenth day of April,(1) the time appointed for the carnage, the unexpected onset was begun upon the frontier settlements. But hardly had the Indians steeped their hands in blood, before they were dismayed by the recollection of their own comparative weakness; and trembling for the consequences of their treachery, they feared to continue their design, and fled to a distance from the colony. The number of victims had been three hundred. Measures were promptly taken by the English for protection and defence, and a war was vigorously conducted. The aged Opechancanough was easily made prisoner; and the venerated monarch of the sons of the forest, so long the undisputed lord of almost boundless hunting-grounds, died in miserable captivity, of wounds inflicted by a brutal soldier. In his last moments, he chiefly regretted his exposure to the contemptuous gaze of his enemies.(2)

So little was apprehended, when the English were once on their guard, that, two months after the massacre, Berkeley embarked for England, leaving Richard Kemp as his successor.(3) A border warfare continued; marches up and down the Indian country were ordered; yet so weak were the natives, that though the careless traveller and the straggling huntsman were long in danger of being

(1) The reader is cautioned against the inaccuracies of Beverley, Oldmixon, and, on this subject, of Burk. See Winthrop's Journal, ii. 165. Compare the note of Savage, whose sagacious conjecture is confirmed in Hening, i. 290, Act 4, session of February, 1645.

(2) On the massacre, there are three contemporary guides: the statutes of the time, in Hening, i.; The Perfect Description of Virginia, in ii. *Mass. Hist. Coll.* ix. 115—117; and the Reports of the exiled Portians, in Winthrop, ii. 165.

(3) Hening, i. 4, 282, and 285.

intercepted,(1) yet ten men were considered a sufficient force to protect a place of danger.(2)

About fifteen months after Berkeley's return from 1646. England, articles of peace were established between the inhabitants of Virginia and Necotowance, the successor of Opechancanough.(3) Submission and a cession of lands were the terms on which the treaty was purchased by the original possessors of the soil, who now began to vanish away from the immediate vicinity of the settlements of their too formidable invaders. It is one of the surprising results of moral power, that language, composed of fleeting sounds, retains and transmits the remembrance of past occurrences long after every other monument has passed away. Of the labours of the Indians on the soil of Virginia, there remains nothing so respectable as would be a common ditch for the draining of lands;(4) the memorials of their former existence are found only in the names of the rivers and the mountains. Unchanging nature retains the appellations which were given by those whose villages have disappeared, and whose tribes have become extinct.

Thus the colony of Virginia acquired the management of all its concerns; war was levied, and peace concluded, and territory acquired, in conformity to the acts of the representatives of the people. Possessed of security and quiet, abundance of land, a free market for their staple, and, practically, all the rights of an independent state, having England for its guardian against foreign oppression, rather than its ruler, the colonists enjoyed all the prosperity which a virgin soil, equal laws, and general uniformity of condition and industry, could bestow. Their numbers increased; the cottages were filled with children, as the ports were with ships and emigrants. At Christmas, 1648, there were trading in Virginia ten ships from London, two from Bristol, twelve Hollanders, and seven from New England.(5) The number of the colonists was already twenty thousand; and they, who had sustained no griefs, were not tempted to engage in the feuds by which the mother country was divided. They were

(1) Hening, i. 300, 301, Act 3.

(2) Ibid. 285, 286, Act 5.

(3) Ibid. 323—326. Compare Drake's Indian Biography, b. iv. 22—24; Johnson's Wonder-working Providence, b. iii. c. xi.

(4) Jefferson's Notes, 132.

(5) New Description of Virginia, 15, in ii. Mass. Hist. Coll. ix. 10.

attached to the cause of Charles, not because they loved monarchy, but because they cherished the liberties of which he had left them in the undisturbed possession ;
 1649. and, after his execution, though there were not wanting some who, from ignorance, as the royalists affirmed, favoured republicanism, the government recognized his son(1) without dispute. The disasters of the Cavaliers in England strengthened the party in the New World. Men of consideration "among the nobility, gentry, and clergy," struck "with horror and despair" at the execution of Charles I., and desiring no reconciliation with the unrelenting "rebels," made their way to the shores of the Chesapeake, where every house was for them a "hostelry," and every planter a friend. The mansion and the purse of Berkeley were open to all ; and at the hospitable dwellings that were scattered along the rivers and among the wilds of Virginia, the Cavaliers, exiles like their monarch, met in frequent groups to recount their toils, to sigh over defeats, and to nourish loyalty and hope.(2) The faithfulness of the Virginians did not escape the attention of the royal exile ; from his retreat in
 1650. Breda he transmitted to Berkeley a new commission ;(3) he still controlled the distribution of offices, and, amidst his defeats in Scotland,(4) still remembered with favour the faithful Cavaliers in the western world. Charles the Second, a fugitive from England, was still the sovereign of Virginia. "Virginia was whole for monarchy, and the last country belonging to England that submitted to obedience of the commonwealth."(5)

But the parliament did not long permit its authority to be denied. Having, by the vigorous energy and fearless enthusiasm of republicanism, triumphed over all its enemies in Europe, it turned its attention to the colonies ; and a memorable ordinance(6) at once empowered the council of state to reduce the rebellious colonies to obedience, and, at the same time, established it as a law, that foreign ships should not trade at any of the ports "in Barbadoes, Antigua, Bermudas, and Virginia." Mary-

(1) Hening, i. 359, 360, Act 1.

(2) Norwood, in Churchill, vi. 160—186. Hammond's *Leah and Rachel*, 16.

(3) Chalmers, 122.

(4) Norwood, in Ch. vi. 186.

(5) Hammond's *Leah and Rachel*, 20 ; Ed. 1656.

(6) Hazard, i. 637, 638. *Parliamentary History*, iii. 1357. The commentary of Chalmers, p. 123, is that of a partisan lawyer.

land, which was not expressly included in the ordinance, had taken care to acknowledge the new order of things; (1) and Massachusetts, alike unwilling to encounter the hostility of parliament, and jealous of the rights of independence legislation, by its own enactment prohibited all intercourse with Virginia till the supremacy of the commonwealth should be established, although the order, when it was found to be injurious to commerce, was promptly repealed, even whilst royalty still triumphed at Jamestown. (2) But would Virginia resist the fleet of the republic? Were its royalist principles so firm that they would animate the colony to a desperate war with England? The lovers of monarchy indulged the hope that the victories of their friends in the Chesapeake would redeem the disgrace that had elsewhere fallen on the royal arms; many partisans of Charles had come over as to a place of safety; and the honest Governor Berkeley, than whom "no man meant better," was so confirmed in his confidence, that he wrote to the king, almost inviting him to America. (3) The approach of the day of trial was watched with the deepest interest.

But while the preparations were yet making for the reduction of the colonies, which still preserved an appearance of loyalty, the commercial policy of England underwent an important revision, and the new system, as it was based upon the permanent interests of English merchants and ship-builders, obtained a consistency and durability which could never have been gained by the feeble selfishness of the Stuarts.

It is the ancient fate of colonies to be planted by the daring of the poor and the hardy; to struggle into being through the severest trials; to be neglected by the parent country during the season of poverty and weakness; to thrive by the unrestricted application of their powers and enterprise, and by their consequent prosperity to tempt oppression. The Greek colonies early attained opulence and strength, because they were always free; the new people at its birth was independent, and remained so; the emigrants were dismissed, not as servants, but as equals. They were the natural, not the necessary, allies of the mother country. They spoke the same dialect, revered

(1) *Langford's Refutation*, 6, 7.

(2) *Hazard*, i. 553 and 558.

(3) *Clarendon*, b. xiii. iii. 466.

the same gods, cherished the same customs and laws; but they were politically independent. Freedom, stimulating exertion, invited them to stretch their settlements from the shores of the Euxine to the Western Mediterranean, and urged them forward to wealth and prosperity, commensurate with their boldness and the vast extent of their domains. The colonies of Carthage, on the contrary, had no sooner attained sufficient consideration to merit attention, than the mother state insisted upon a monopoly of their commerce. The colonial system is as old as colonies and the spirit of commercial gain and political oppression.(1)

No sooner had Spain and Portugal entered on maritime discovery, and found their way round the Cape of Good Hope and to America, than a monopoly of the traffic of the world was desired. Greedily covetous of the whole, they could with difficulty agree upon a division, not of a conquered province, the banks of a river, a neighbouring territory, but of the oceans, and the commerce of every people and empire along the wide margin of their waters. They claimed that, on the larger seas, the winds should blow only to fill their sails; that the islands and continents of Asia, of Africa, and the New World, should be fertile only to freight the ships of their merchants; and, having denounced the severest penalties against any who should infringe the rights which they claimed, they obtained the sanction of religion to adjust their differences, and to bar the ocean against the intrusion of competitors.(2)

The effects of this severity are pregnant with instruction. Direct commerce with the Spanish settlements was punished by the Spaniards with confiscation and the threat of eternal woe. The moral sense of mariners revolted at the extravagance; since forfeiture, imprisonment, and excommunication were to follow the attempt at the fair exchanges of trade; since the freebooter and the pirate could not suffer more than was menaced against the merchant who should disregard the maritime monopoly, the seas became infested by reckless buccaneers, the natural offspring of colonial restrictions. Rich Spanish settlements in America were pillaged; fleets attacked and cap-

(1) Brougham's Colonial Policy, i. 21-23. Dionysius Halicarnassus, l. iii. But of all on the subject, Heeren, xiii. 96-98.

(2) Bull of Alexander VI., May 4, 1493. "Sub excommunicationis late sententie poena," &c.

tured; predatory invasions were even made on land to intercept the loads of gold as they came from the mines; and men who might have acquired honour and wealth in commerce, if commerce had been permitted, now displayed a sagacity of contrivance, coolness of execution, and capacity for enduring hardships, which won them the admiration of their contemporaries, and, in a better cause, would have won them the perpetual praises of the world.

In Europe the freedom of the sea was vindicated against the claims of Spain and Portugal by a nation, hardly yet recognized as an independent state, occupying a soil, of which much had been redeemed by industry, and driven by the stern necessity of a dense population to seek for resources upon the sea. The most gifted of her sons, who first gave expression to the idea that "free ships make free goods," (1) defended the liberty of commerce, and appealed to the judgment of all free governments and nations against the maritime restrictions, which humanity denounced as contrary to the principles of social intercourse; which justice derided as infringing the clearest natural rights; which enterprise rejected as a monstrous usurpation of the ocean and the winds. The relinquishment of navigation in the East Indies was required as the price at which her independence should be acknowledged, and she preferred to defend her separate existence by her arms, rather than purchase security by circumscribing the courses of her ships. The nation, which by its position was compelled to acquire skill in commerce, and, in its resistance to monopoly, was forced by competition to obtain an advantage, succeeded in gaining the maritime ascendancy. While the inglorious James of England, immersed in vanity and pedantry, was negotiating about points of theology; while the more unhappy Charles was wasting his strength in vain struggles against the liberties of his subjects,—the Dutch, a little confederacy, which had been struck from the side of the vast empire of Spain, a new people, scarcely known as possessed of nationality, had, by their superior skill, begun to engross the carrying trade of the world. Their ships were soon to be found in the harbours of Virginia; in the West Indian archipelago; in the south of Africa; among the tropical islands of the Indian Ocean; and even in the remote harbours of China.

(1) *Grotius, Epist. cccvii.*: "*aliorum bella obstare commerciorum libertati non debere.*"

and Japan. Already their trading-houses were planted on the Hudson and the coast of Guinea, in Java and Brazil. One or two rocky islets in the West Indies, in part neglected by the Spaniards as unworthy of culture, were occupied by these daring merchants, and furnished a convenient shelter for a large contraband traffic with the *terra firma*. So great was the naval success of Holland, that it engrossed the commerce of the European nations themselves; English mariners sought employment in Dutch vessels, with which the ports of England were filled; English ships lay rotting at the wharfs; English ship-building was an unprofitable vocation. The freedom and the enterprise of Holland had acquired maritime power, and skill, and wealth, such as the vast monopoly of Spain had never been able to command.

The causes of the commercial greatness of Holland were forgotten in envy at her success. She ceased to appear as the antagonist of Spain, and the gallant champion of the freedom of the seas; she was now envied as the successful rival. The eloquence of Grotius was neglected, as well as the pretensions of Spain disregarded; and the English government resolved to protect the English merchant. Cromwell desired to confirm the maritime power of his country; and St. John, a Puritan and a republican in theory, though never averse to a limited monarchy, devised the first act of navigation, which the politic Whitelocke introduced and carried through parliament. Henceforward, the commerce between England and her colonies, as well as between England and the rest of the world, was to be conducted in ships solely owned, and principally manned, by Englishmen. Foreigners might bring to England nothing but the products of their own respective countries, or those of which their countries were the established staples. The act was levelled against Dutch commerce, and was but a protection of British shipping; it contained not one clause relating to a colonial monopoly, or specially injurious to an American colony. Of itself it inflicted no wound on Virginia or New England. In vain did the Dutch expostulate against the act as a breach of commercial amity; the parliament studied the interests of England, and would not repeal laws to please a neighbour.(1)

(1) Clarendon, b. xiii. Parl. History, iii. 1374, 5, 8. Godwin, iii. 381—2. Heeren, i. 156

A naval war soon followed, which Cromwell eagerly desired, and Holland as earnestly endeavoured to avoid. The spirit of each people was kindled with the highest national enthusiasm; the commerce of the world was the prize contended for; the ocean was the scene of the conflict; and the annals of recorded time had never known so many great naval actions in such quick succession. This was the war in which Blake, and Ayscue, and De Ruyter gained their glory; and Tromp fixed a broom to his mast in bravado, as if to sweep the English flag from the seas.

Cromwell was not disposed to trammel the industry of Virginia, and Maryland, and New England. His ambition aspired to make England the commercial emporium of the world. His plans extended to the possession of the harbours in the Spanish Netherlands; France was obliged to pledge her aid to conquer, and her consent to yield Dunkirk, Mardyke, and Gravelines; and Dunkirk, in the summer of 1658, was given up to his ambassador by the French king in person. Nor was this all: he desired the chief harbours in the North Sea and the Baltic, and an alliance with Sweden, made not simply from a zeal for

Protestantism, was to secure him Bremen, and Elsinore, and Dantzic, as his reward.⁽¹⁾ In the West Indies his genius had planned the capture of Jamaica, which succeeded; and the attempt at the reduction

of Hispaniola, then the chief possession of Spain among the islands, failed only through the incompetency or want of concert of his agents.

It is as the rival of Holland, the successful antagonist of Spain, the protector of English shipping, that Cromwell has claims to glory. The crown passed from the brow of his sons; his wide plans for the possession of commercial places on the continent were defeated; Dunkirk was restored; the monarchy, which he subverted, was re-established; the nobility, which he humbled, recovered its pride: Jamaica and the Act of Navigation are the permanent monuments of Cromwell.

The protection of English shipping, thus permanently established as a part of the British commercial policy, was the successful execution of a scheme which many centuries before had been prematurely attempted. A new and a far less justifiable encouragement was soon demanded, and

(1) *Thurloe*, vi. 478. Heeren's Works, i. 158.

English merchants began to insist upon the entire monopoly of the commerce of the colonies. This question had but recently been agitated in parliament. It was within the few last years that England had acquired colonies; and, as at first, they were thought to depend upon the royal prerogative, the public policy with respect to them can be found only in the proclamations, charters, and instructions which emanated from the monarch.

The prudent forecast of Henry VII. had considered the advantages which might be derived from a colonial monopoly; and while ample privileges were bestowed on the adventurers who sailed for the New World, he stipulated that the exclusive staple of its commerce should be made in England.(1) A century of ill success had checked the extravagance of hope; and as the charters of Gilbert and of Raleigh had contained little but concessions, suited to invite those eminent men to engage with earnestness in the career of western discoveries, so the first charter
1606. for Virginia expressly admitted strangers to trade with the colony on payment of a small discriminating
1609. duty.(2) On the enlargement of the company, the intercourse with foreigners was still permitted; nor were any limits assigned to the commerce in which they might engage.(3) The last charter was equally free
1612. from unreasonable restrictions on trade; and, by a confirmation of all former privileges, it permitted to foreign nations the traffic which it did not expressly sanction.(4)

At an early period of his reign, before Virginia had
1604. been planted, King James found in his hostility to the use of tobacco a convenient argument for the excessive tax which a royal ordinance imposed on its consumption.(5) When the weed had evidently become the staple of Virginia, the Stuarts cared for nothing in the colony so much as for a revenue to be derived from an impost on its produce. Whatever false display of zeal might be made for religion, the conversion of the heathen, the organization of the government, and the establishment of justice, the subject of tobacco was never forgotten. The sale of
1619. it in England was strictly prohibited, unless the heavy impost had been paid; (6) a proclamation enforced the

(1) Hazard, i. 10, and 13, 14. Biddle's Cabot, 309.

(2) Charter, s. 13, in Hening, i. 63.

(3) S. 21, Hening, i. 94, 95.

(4) Third Charter, s. 21, ib. 109.

(6) May 25. Hazard, i. 89.

(5) Hazard, i. 49, 50.

royal decree; (1) and that the tax might be gathered on the entire consumption, by a new proclamation, (2) the culture of tobacco was forbidden in England and Wales, and the plants already growing were ordered to be uprooted. Nor was it long before the importation and

1620. sale of tobacco required a special license from the king. (3) In this manner a compromise was effected between the interests of the colonial planters and the monarch; the former obtained the exclusive supply of the English market, and the latter succeeded in imposing an exorbitant duty. (4) In the ensuing parliament, Lord

1621. Coke did not fail to remind the Commons of the usurpations of authority on the part of the monarch, who had taxed the produce of the colonies without the consent of the people, and without an act of the national legislature; (5) and Sandys, and Diggs, and Farrar, the friends of Virginia, procured the substitution of an act for the arbitrary ordinance. (6) In consequence of the dissensions of the times, the bill, which had passed the house, was left among the unfinished business of the session; nor was the affair adjusted, till, as we have already seen, the Commons, in 1624, again expressed their

1624. regard for Virginia by a petition, to which the monarch readily attempted to give effect. (7)
The first colonial measure (8) of King Charles related to tobacco; and the second proclamation, (9) though its object purported to be the settling of the plantation of Virginia, partook largely of the same character. In a series of public acts King Charles attempted during his reign to procure a revenue from this source. The

1626. authority of the Star-chamber was invoked to assist in filling his exchequer by new and onerous duties on tobacco; (10) his commissioners were ordered to contract for all the product of the colonies; (11) though the Spanish

1627. tobacco was not steadily excluded. (12) All colonial tobacco was soon ordered to be sealed; (13) nor was its

(1) Nov. 10. Hazard, i. 90.

(2) Hazard, i. 93.

(3) April 7. Hazard, i. 89—91. June 29. Ibid. 93—96.

(4) Stith, 166—170. Chalmers, 50, 52, 57.

(5) Debates of the Commons in 1620 and 1621, i. 169.

(6) Ibid. 269—271, and 296. Chalmers 51, 70—74.

(7) Hazard, i. 193—198, 198—202.

(8) Ibid. 202, 203.

(9) Ibid. 203—205.

(10) March 2, 1626. Ibid. 224—230.

(11) January, 1627. Rymer, xviii. 831.

(12) Feb. 1627. Ibid. 848.

(13) March, 1627. Ibid. 866.

importation permitted except with special license; (1) and we have seen that an attempt was made by a direct negotiation with the Virginians to constitute the king the sole factor of their staple. (2) The measure was defeated by the firmness of the colonists; and the monarch was left to issue a new series of proclamations, constituting London the sole mart of colonial tobacco; (3) till, vainly attempting to regulate the trade, (4) he declared "his will and pleasure to have the sole pre-emption of all the tobacco" of the English plantations. (5) He long adhered to his system with resolute pertinacity. (6)

The measures of the Stuarts were ever unsuccessful, because they were directed against the welfare of the colonists, and were not sustained by popular interests in England. After the long-continued efforts which the enterprise of English merchants and the independent spirit of English planters had perseveringly defied, King Charles, on the appointment of Sir William Berkeley, devised the expedient which was destined to become so celebrated. No vessel laden with colonial commodities might sail from the harbours of Virginia for any ports but those of England, that the staple of those commodities might be made in the mother country; and all trade with foreign vessels, except in case of necessity, was forbidden. (7) This system, which the instructions of Berkeley commanded him to introduce, was ultimately successful; for it sacrificed no rights but those of the colonists, while it identified the interests of the English merchant and the English government, and leagued them together for the oppression of those, who, for more than a century, were too feeble to offer effectual resistance.

The Long Parliament was more just; it attempted to secure to English shipping the whole carrying trade of the colonies, but with the free consent of the colonies themselves, offering an equivalent, which the legislatures in America were at liberty to reject. (8)

The memorable ordinance of 1650 was a war measure, and extended only to the colonies which had adhered to the Stuarts. All intercourse with them was

(1) August, 1627. Rymer, xviii. 920.

(2) Henning, i. 129 and 134.

(3) January, 1631. Ibid. xix. 235.

(4) Ibid. 474 and 522.

(5) June 19. Hazard, i. 375.

(6) August, 1639. Rymer, xx. 348.

(7) Chalmers, 132, 133.

(8) Hazard, i. 634, 635.

forbidden, except to those who had a license from parliament or the council of state. Foreigners were rigorously excluded; (1) and this prohibition was designed to continue in force even after the suppression of all resistance. While, therefore, the Navigation Act secured to English ships the entire carrying trade with England, in connection with the ordinance of the preceding year, it conferred a monopoly of colonial commerce.

But this state of commercial law was essentially modified by the manner in which the authority of the English commonwealth was established in the Chesapeake. The republican leaders of Great Britain, conducting with true magnanimity, suffered the fever of party to subside, before decisive measure were adopted; and then two of the three commissioners, whom they appointed, were taken from among the planters themselves. The instructions given them were such as Virginians might carry into effect; for they constituted them the pacificators and benefactors of their country. In case of resistance, the cruelties of war were threatened. (2) If Virginia would but adhere to the commonwealth, she might be the mistress of her own destiny.

What opposition could be made to the parliament, which, in the moment of its power, voluntarily proposed a virtual independence? No sooner had the Guinea frigate anchored in the waters of the Chesapeake, than "all thoughts of resistance were laid aside," (3) and the colonists, having no motive to contend for a monarch

(1) Hazard, i. 636—638.

(2) Let the reader consult the instructions themselves, in Thurloe, i. 197, 198, or in Hazard, i. 556—558, rather than the commentary of Chalmers or Grahame.

(3) Clarendon, b. xiii. 466, 467. It is strange how much error has been introduced into Virginia history, and continued, even when means of correcting it were abundant and easy of access. Clarendon relates the matter rightly. See, also, Strong's *Babylon's Fall*, 2, 3, and Langford's *Refutation*, 6, 7. These are all contemporary authorities. Compare, also, the journals of the Long Parliament for August 31, 1652. So, too, the Act of Surrender, in Hening, i. 363—365, which agrees with the instructions from the Long Parliament. Compare, also, Ludlow, 149: "This news being brought to Virginia, they submitted, also," &c. Clarendon, Strong, Langford, the public acts, Ludlow, all contemporary, do not disagree. Beverley wrote in the next century; and his account is, therefore, less to be relied on. Besides, it is in itself improbable. How could Dutch merchantmen have awaited an English squadron? The Netherlands had no liberty to trade with Virginia; and Dutch ships would at once have been seized as prizes. Virginia had doubtless been "whole for monarchy," but monarchy in England seemed at an end. Of modern writers, Godwin, *History of the Commonwealth*, iii. 280, discerned the truth.

whose fortunes seemed irretrievable, were earnest only to assert the freedom of their own institutions. It marks the character of the Virginians, that they refused to surrender to force, but yielded by a voluntary deed and a mutual compact. It was agreed, upon the surrender, that the "PEOPLE OF VIRGINIA" should have all the liberties of the freeborn people of England; should intrust their business, as formerly, to their own grand assembly; should remain unquestioned for their past loyalty; and should have "as free trade as the people of England." No taxes, no customs, might be levied, except by their own representatives; no forts erected, no garrisons maintained, but by their own consent.(1) In the settlement of the government, the utmost harmony prevailed between the burgesses and the commissioners; it was the governor and council only, who had any apprehensions for their safety, and who scrupulously provided a guarantee for the security of their persons and property, which there evidently had existed no design to injure.

These terms, so favourable to liberty, and almost conceding independence, were faithfully observed till the restoration. Historians have, indeed, drawn gloomy pictures of the discontent which pervaded the colony, and have represented that discontent as heightened by commercial oppression.(2) The statement is a fiction. The colony of Virginia enjoyed liberties as large as the favoured New England; displayed an equal degree of fondness for popular sovereignty, and fearlessly exercised political independence.(3) There had long existed a republican party; and, now that monarchy had fallen, on whom could the royalists rely so safely as on themselves? The executive officers became elective; and so evident were the designs of all parties to promote an amicable settlement of the government, that Richard Bennett, himself a commissioner of the parliament, and, moreover, a merchant and a Roundhead, was, on the recommendation of the

(1) Hening, i. 363—365, and 367, 368. Jefferson's Notes on Virginia. Hazard, i. 566—564. Burk, ii. 85—91.

(2) Beverley, Chalmers, Robertson, Marshall. Even the accurate and learned Holmes has transmitted the error. Compare Jared Sparks, in North American Review, xx. new series, 433—436.

(3) Compare, for example, Dutch Records, at Albany, xxiv. 302, where Berkeley writes like an independent sovereign: "Whatsoever the noble Sir Harry Moody, in his excellent judgment, shall think fit to be done for the good of both colonies, we, on our part, shall firmly ratify." May 17, 1660. The same spirit had prevailed for years. Albany Records, iv. 165.

other commissioners, unanimously chosen governor.(1) The oath required of the burgesses made it their paramount duty to provide for "the general good and prosperity" of Virginia and its inhabitants.(2) Under the administration of Berkeley, Bennett had been driven from Virginia; and now not the slightest effort at revenge was attempted.(3)

The act which constituted the government, claimed for the assembly the privilege of defining the powers which were to belong to the governor and council; and the public good was declared to require, "that the right of electing all officers of this colony should appertain to the burgesses," as to "the representatives of the people."(4) It had been usual for the governor and council to sit in the assembly; the expediency of the measure was questioned, and a temporary compromise ensued; they retained their former right, but were required to take the oath which was administered to the burgesses.(5) Thus the house of burgesses acted as a convention of the people; exercising supreme authority, and distributing power as the public welfare required.(6)

Nor was this an accidental and transient arrangement. Cromwell never made any appointments for Virginia; not one governor acted under his commission.(7) When 1655. Bennett retired from office, the assembly itself elected his successor; and Edward Diggs, who had before been chosen of the council,(8) and who "had given a signal testimony of his fidelity to Virginia, and to the commonwealth of England,"(9) received the suffrages.(10) The commissioners in the colony(11) were rather engaged in settling the affairs and adjusting the boundaries of Maryland, than in controlling the destinies of Virginia.

The right of electing the governor continued to be claimed by the representatives of the people,(12) and

(1) Hening, i. 371. See Stith, 199, who tells the story rightly. Strange that historians would not take a hint from the accurate Stith!

(2) Hening, i. 371.

(3) Langford's Refutation, 3. That Bennett was a Roundhead is indisputable. The contemporary authorities are, Strong's *Babylon's Fall*, i. 7 and 10; Langford's Refutation, 3; Hammond's *Leah and Rachel*, 21. These, taken together, are conclusive. Bennett was of the council in 1646. Hening, i. 322.

(4) Hening, i. 372.

(5) Hening's note, i. 369.

(6) Hening, 388. Nov. 1654.

(7) *Ibid.* 408. Compare Hening, i. 5, and also 426.

(8) *Ibid.* 428 and 432. Haz. i. 594.

(9) Hening, 373.

(10) *Ibid.* i. preface, 13.

(11) *Ibid.* i. 388.

(12) *Ibid.* 431.

"worthy Samuel Matthews, an old planter, of nearly forty years' standing," who had been "a most deserving commonwealth's man, kept a good house, lived bravely, and was a true lover of Virginia,"⁽¹⁾ was next honoured with the office. But, from too exalted ideas of his station, he, with the council, became involved in an unequal contest with the assembly by which he had been elected. The burgesses had enlarged their power by excluding the governor and council from their sessions, and, having thus reserved to themselves the first free discussion of every law, had voted an adjournment till November. The governor and council, by message, declared the dissolution of the assembly. The legality of the dissolution was denied;⁽²⁾ and, after an oath of secrecy, every burgess was enjoined not to betray his trust by submission. Matthews yielded, reserving a right of appeal to the protector.⁽³⁾ When the house unanimously voted the governor's answer unsatisfactory, he expressly revoked

the order of dissolution, but still referred the decision of the dispute to Cromwell. The members of the assembly, apprehensive of a limitation of colonial liberty by the reference of a political question to England, determined on a solemn assertion of their independent powers. A committee was appointed, of which John Carter, of Lancaster, was the chief; and a complete declaration of popular sovereignty was solemnly made. The governor and council had ordered the dissolution of the assembly; the burgesses now decreed the former election of governor and council to be void. Having thus exercised, not merely the right of election, but the more extraordinary right of removal, they re-elected Matthews, "who by us," they add, "shall be invested with all the just rights and privileges belonging to the governor and captain-general of Virginia." The governor submitted, and acknowledged the validity of his ejection by taking the new oath, which had just been prescribed. The council was organized anew; and the spirit of popular liberty established all its claims.⁽⁴⁾

The death of Cromwell made no change in the constitution of the colony. The message of the governor duly announced the event to the legislature.⁽⁵⁾ It has pleased some English historians to ascribe to Virginia a precipi-

(1) *H. Mass. Hist. Coll.* ix. 119.

(2) Hening's note, i. 430.

(3) *Hening*, i. 496, 497, and 500, 501.

(4) *Hening*, i. 504, 505.

(5) See the names of the members, in *Hening*, v. i. p. 606, 507.

tate attachment to Charles II. On the present occasion, the burgesses deliberated in private, and unanimously resolved that Richard Cromwell should be acknowledged.(1) But it was a more interesting question, whether the change of protector in England would endanger liberty in Virginia. The letter from the council had left the government to be administered according to former usage. The assembly declared itself satisfied with the language.(2) But, that there might be no reason to question the existing usage, the governor was summoned to come to the house, where he appeared in person, deliberately acknowledged the supreme power of electing officers to be, by the present laws, resident in the assembly, and pledged himself to join in addressing the new protector for special confirmation of all existing privileges. The reason for this extraordinary proceeding is assigned; "that what was their privilege now, might be the privilege of their posterity."(3) The frame of the Virginia government was deemed worthy of being transmitted to remote generations.

On the death of Matthews, the Virginians were ^{1660.} without a chief magistrate, just at the time when the resignation of Richard had left England without a government. The burgesses, who were immediately convened, resolving to become the arbiters of the fate of the colony, enacted, "that the supreme power of the government of this country shall be resident in the assembly; and all writs shall issue in its name, until there shall arrive from England a commission, which the assembly itself shall adjudge to be lawful."(4) This being done, Sir William Berkeley was elected governor;(5) and, acknowledging the validity of the acts of the burgesses, whom, it was expressly agreed, he could in no event dissolve, he accepted the office, and recognized, without a scruple, the authority to which he owed his elevation. "I am," said he, "but a servant of the assembly."(6) Virginia did not lay claim to absolute independence, but, awaiting the settlement of affairs in England, hoped for the restoration of the Stuarts.(7)

The legislation of the colony had taken its character from the condition of the people, who were essentially

(1) Hening, i. 511. Mar. 1659.

(2) Hening, i. 511.

(3) *Ibid.* 511, 512.

(4) *Ibid.* 530, Act.

(5) *Ibid.* 530, 531, and 5.

(6) Smith's New York, 27.

(7) Hening's note, i. 526—529.

agricultural in their pursuits; and it is the interest of society in that state to discountenance contracting debts. Severe laws for the benefit of the creditor are the fruits of commercial society; Virginia possessed not one considerable town, and her statutes favoured the independence of the planter, rather than the security of trade. The representatives of colonial landholders voted "the total ejection of mercenary attorneys." (1) By a special act, emigrants were safe against suits designed to enforce engagements that had been made in Europe; (2) and colonial obligations might be easily satisfied by a surrender of property. (3) Tobacco was generally used instead of coin. Theft was hardly known, and the spirit of the criminal law was mild. The highest judicial tribunal was the assembly, which was convened once a year, or oftener. (4) Already large landed proprietors were frequent; and plantations of two thousand acres were not unknown. (5)

During the suspension of the royal government in England, Virginia attained unlimited liberty of commerce, which she regulated by independent laws. The ordinance of 1650 was rendered void by the act of capitulation; the Navigation Act of Cromwell was not designed for her oppression, (6) and was not enforced within her borders. If an occasional confiscation took place, it was done by the authority of the colonial assembly. (7) The war between England and Holland did not wholly interrupt the intercourse of the Dutch with the English colonies; and if, after the treaty of peace, the trade was considered contraband, the English restrictions were entirely disregarded. (8) A remonstrance, addressed to Cromwell, 1650. demanded an unlimited liberty; and we may suppose that it was not refused; for, some months before Cromwell's death, the Virginians "invited the Dutch and 1658. all foreigners" to trade with them, on payment of no higher duty than that which was levied on such English vessels as were bound for a foreign port. (9) Proposals of peace and commerce between New Netherlands and

(1) Hening, i. 275, 302, 313, 349, 419, 482, 495; and Preface, 18.

(2) *Ibid.* 256, 257.

(3) *Ibid.* 294.

(4) Hammond, 13. *Sad State*, 21.

(5) Virginia's Cure, 2 and 8. *Sad State*, 9.

(6) The commerce between the Dutch and Virginia was hardly interrupted.

(7) Hening, i. 382, 383.

(8) *Thurloe*, v. 80. Hazard, i. 599—602.

(9) Hening, i. 459.

Virginia were discussed without scruple by the respective colonial governments; (1) and at last a special statute of Virginia extended to every Christian nation, in amity with England, a promise of liberty to trade and equal justice. (2) At the restoration, Virginia enjoyed freedom of commerce with the whole world.

Religious liberty advanced under the influence of independent domestic legislation. No churches had been erected except in the heart of the colony; (3) and there were so few ministers, that a bounty was offered for their importation. (4) Conformity had, in the reign of Charles, been enforced by measures of disfranchisement and exile. (5) By the people under the commonwealth, though they were attached to the church of their fathers, all things respecting parishes and parishioners were referred to their own ordering; (6) and religious liberty would have been perfect, but for an act of intolerance, by which all Quakers were banished, and their return regarded as a felony. (7)

Virginia was the first state in the world, composed of separate boroughs, diffused over an extensive surface, where the government was organized on the principle of universal suffrage. All freemen, without exception, were entitled to vote. An attempt was once made to limit the right to house-keepers; (8) but the public voice reproved the restriction; the very next year, it was decided to be "hard, and unagreeable to reason, that any person shall pay equal taxes, and yet have no votes in elections;" and the electoral franchise was restored to all freemen. (9) Servants, when the time of their

(1) The statements in this paragraph derive ample confirmation from the very copious Dutch Records at Albany, iv. 91; ix. 57—59; iv. 96, 122, 165, 198; particularly iv. 211, where the rumour of an intended prohibition of Dutch trade in Virginia is alluded to in a letter from the W. I. Co. to Stuyvesant. That was in 1656, precisely at the time referred to in the rambling complaint in Hazard, i. 600, and still more in the very rare little volume by L. G., "Public Good without Private Interest, or a Compendious Remonstrance of the Present Sad State and Condition of the English Colonie in Virginea; 1657," pp. 13, 14. The prohibition alluded to is not in the Navigation Act of St. John, nor did any such go into effect. See Albany Records, iv. 236. The very rare tract of L. G. I obtained through the kindness of John Brown, of Providence.

(2) Smith, 27. Hening, i. 450.

(3) Norwood, in Churchill, vi. 186.

(4) Hening, i. 418.

(5) Hening, i. 123, 144, 149, 155, 180, 240, 268, 269, 277.

(6) Ibid. i. 433, Act 1. 1658.

(7) Ibid. i. 532, 533.

(8) Ibid. Preface, 19, 20, and 412, Act 7. March, 1655.

(9) Ibid. i. 403, Act 16.

bondage was completed, at once became electors, and might be chosen burgesses.(1)

Thus Virginia established upon her soil the supremacy of the popular branch, the freedom of trade, the independence of religious societies, the security from foreign taxation, and the universal elective franchise. If, in following years, she departed from either of these principles, and yielded a reluctant consent to change, it was from the influence of foreign authority. Virginia had herself, almost unconsciously, established a nearly independent democracy; and already preferred her own sons for places of authority.(2) The country felt itself honoured by those who were "Virginians born;"(3) and emigrants never again desired to live in England.(4) Prosperity advanced with freedom; dreams of new staples and infinite wealth were indulged;(5) while the population of Virginia, at the epoch of the restoration, may have been about thirty thousand. Many of the recent emigrants had been royalists in England, good officers in the war, men of education, of property, and of condition. The revolution had not subdued their characters; but the waters of the Atlantic divided them from the political strifes of Europe; their industry was employed in making the best advantage of their plantations; the interests and liberties of Virginia, the land which they adopted as their country, were dearer to them than the monarchical principles which they had espoused in England;(6) and therefore no bitterness could exist between the firmest partisans of the Stuarts and the friends of republican liberty. Virginia had long been the home of its inhabitants. "Among many other blessings," said their statute-book,(7) "God Almighty hath vouchsafed increase of children to this colony; who are now multiplied to a considerable number;" and the huts in the wilderness were as full as the birds'-nests of the woods.

The genial climate and transparent atmosphere delighted

(1) *Virginia's Cure*, p. 18. *Sad State*, p. 4.

(2) *Hammond's Leah and Rachel*, p. 15.

(3) *Thurloe*, ii. 274.

(4) *Hammond*, 8.

(5) *E. Williams, Virginia, and Virginia's Discovery of Silk-worms*, 1650.

(6) *Clarendon*, b. xiii. v. iii. pp. 466, 467. *Walsh's Appeal*, p. 31.

(7) *Hening*, i. 336: "A very numerous generation of Christian children born in Virginia, who naturally are of beautiful and comely persons, and generally of more ingenious spirits than those of England." *Virginia's Cure*, 5.

those who had come from the denser air of England. Every object in nature was new and wonderful. The loud and frequent thunder-storms were phenomena that had been rarely witnessed in the colder summers of the north; the forests, majestic in their growth, and free from underwood, deserved admiration for their unrivalled magnificence; the purling streams and the frequent rivers, flowing between alluvial banks, quickened the ever-pregnant soil into an unwearied fertility; the strangest and the most delicate flowers grew familiarly in the fields; the woods were replenished with sweet barks and odours; the gardens matured the fruits of Europe, of which the growth was invigorated and the flavour improved by the activity of the virgin mould. Especially the birds, with their gay plumage and varied melodies, inspired delight; every traveller expressed his pleasure in listening to the mocking-bird, which carolled a thousand several tunes, imitating and excelling the notes of all its rivals. The humming-bird, so brilliant in its plumage, and so delicate in its form, quick in motion, yet not fearing the presence of man, haunting about the flowers like the bee gathering honey, rebounding from the blossoms into which it dips its bill, and as soon returning "to renew its many addresses to its delightful objects," was ever admired as the smallest and the most beautiful of the feathered race. The rattlesnake, with the terrors of its alarms and the power of its venom; the opossum, soon to become as celebrated for the care of its offspring as the fabled pelican; the noisy frog, booming from the shallows like the English bittern; the flying squirrel; the myriads of pigeons, darkening the air with the immensity of their flocks, and, as men believed, breaking with their weight the boughs of trees on which they alighted,—were all honoured with frequent commemoration, and became the subjects of the strangest tales. The concurrent relation of all the Indians justified the belief, that, within ten days' journey towards the setting of the sun, there was a country where gold might be washed from the sand, and where the natives themselves had learned the use of the crucible; (1) but definite and accurate as were the accounts, inquiry was always baffled; and the regions of gold remained for two centuries an undiscovered land.

(1) *E. Williams, Virginia, &c. 17. Compare Silliman's Journal, on the Mines of N. C. xxiii. 8, 9.*

Various were the employments by which the calmness of life was relieved. George Sandys, an idle man, who had been a great traveller, and who did not remain in America, a poet, whose verse was tolerated by Dryden and praised by Isaac Walton, beguiled the ennui of his seclusion by translating the whole of Ovid's *Metamorphoses*.⁽¹⁾ To the man of leisure, the chase furnished a perpetual resource. It was not long before the horse was multiplied in Virginia; and to improve that noble animal, was early an object of pride, soon to be favoured by legislation. Speed was especially valued; and "the planter's pace" became a proverb.

Equally proverbial was the hospitality of the Virginians. Labour was valuable; land was cheap; competence promptly followed industry. There was no need of a scramble; abundance gushed from the earth for all. The morasses were alive with water-fowl; the creeks abounded with oysters, heaped together in inexhaustible beds; the rivers were crowded with fish; the forests were nimble with game; the woods rustled with coveys of quails and wild turkeys, while they rung with the merry notes of the singing-birds; and hogs, swarming like vermin, ran at large in troops. It was "the best poor man's country in the world." "If a happy peace be settled in poor England," it had been said, "then they in Virginia shall be as happy a people as any under heaven."⁽²⁾ But plenty encouraged indolence. No domestic manufactures were established; everything was imported from England. The chief branch of industry, for the purpose of exchanges, was tobacco-planting; and the spirit of invention was enfeebled by the uniformity of pursuit.

(1) Rymer, xviii. 676, 677. Walton's Hooker, 32.

(2) H. Mass. Hist. Coll. ix. 116, 106. Hammond's Leah and Rachel, 9, 10, 5.

CHAPTER VII.

• COLONIZATION OF MARYLAND.

THE limits of Virginia, by its second charter, extended two hundred miles north of Old Point Comfort, and therefore included all the soil which subsequently formed the state of Maryland. It was not long before the country towards the head of the Chesapeake was explored; settlements in Accomack were extended; and commerce was begun with the tribes which Smith had been the first to visit. Porey, the secretary of the colony, "made a discovery into the great bay," as far as the river Patuxent, which he ascended; but his voyage probably reached no farther to the north. The English settlement of a hundred men, which he is represented to have found already established, (1) was rather a consequence of his voyage, and seems to have been on the eastern shore, perhaps within the limits of Virginia. (2) The hope "of a very good trade of furs" animated the adventurers; and if the plantations advanced but slowly, there is yet evidence that commerce with the Indians was earnestly pursued under the sanction of the colonial government. (3)

An attempt was made to obtain a monopoly of this commerce (4) by William Clayborne, whose resolute and enterprising spirit was destined to exert a powerful and long-continued influence. His first appearance in America was as a surveyor, (5) sent by the London company to make a map of the country. At the fall of the corporation, he had been appointed by King James a member of the council; (6) and, on the accession of Charles, was continued in office, and in repeated commissions was nominated secretary of state. (7) At the same time, he received authority from the governors of Virginia to discover the source of the Bay of the Chesapeake, and, indeed, any part of

(1) Chalmers, 206.

(2) Purchas, iv. 1784. Smith, ii. 61—64.

(3) Relation of Maryland, 4, ed. 1635. Smith's History of Virginia, ii. 63 and 98.

(4) Relation of Maryland, 1635, p. 10.

(5) Hening, i. 116.

(7) Hazard, i. 234 and 239.

(6) Hazard, i. 199.

that province from the thirty-fourth to the forty-first degree of latitude.(1) It was, therefore, natural that he should become familiar with the opportunities for traffic which the country afforded; and the jurisdiction and the settlement of Virginia seemed about to extend to the forty-first parallel of latitude, which was then the boundary of New England. Upon his favourable representation, a company was formed in England for trading with the natives; and, through the agency of Sir William Alexander, the Scottish proprietary of Nova Scotia, a royal license was issued, sanctioning the commerce, and conferring on Clayborne powers of government over the companions of his voyages.(2) Harvey enforced the commands of his sovereign, and confirmed the license by a colonial commission.(3) The Dutch plantations were esteemed to border upon Virginia. After long experience as a surveyor, and after years employed in discoveries, Clayborne, now acting under the royal license, formed establishments, not only on Kent Island, in the heart of Maryland, but also near the mouth of the Susquehannah.(4) Thus the colony of Virginia anticipated the extension of its commerce and its limits; and, as mistress of all the vast and commodious waters of the Chesapeake, and of the soil on both sides of the Potomac, indulged the hope of obtaining the most brilliant commercial success, and rising into powerful opulence, without the competition of a rival.

It was the peculiar fortune of the United States, that they were severally colonized by men in origin, religious faith, and purposes, as various as the climes which are included within their limits. Before Virginia could complete its settlements, and confirm its claims to jurisdiction over the country north of the Potomac, a new government was erected, on a foundation as extraordinary as its results were benevolent. Sir George Calvert had early become interested in colonial establishments in America. A native of Yorkshire,(5) educated at Oxford,(6) with a mind enlarged by extensive travel, on his entrance into life befriended by Sir Robert Cecil, advanced to the

(1) Papers in Chalmers, 227.

(2) Chalmers, 227, 228.

(3) Chalmers, 228, 229.

(4) Hazard, i. 430. Relation of Maryland, 34. Thurloe, v. 486. Hazard, i. 630. Maryland Papers, in Chalmers, 233.

(5) Fuller's Worthies, 201.

(6) Wood's Athenæ Oxonienses, 522, 523.

honours of knighthood, and at length employed as one of the two secretaries of state,(1) he not only secured
 1619. the consideration of his patron and his sovereign,(2) but the good opinion of the world. He was chosen, by an immense majority, to represent in Parliament his
 1621. native county of Yorkshire.(3) His capacity for business, his industry, and his fidelity, are acknowledged by all historians. In an age when religious controversy still continued to be active, and when the increasing divisions among Protestants were spreading a general alarm, his mind sought relief from controversy in the bosom of the Roman Catholic church; and, preferring the avowal of his opinions to the emoluments of office, he resigned his
 1624. place, and openly professed his conversion. King James was never bitter against the Catholics who respected his pretensions as a monarch; Calvert retained his place in the privy council, and was advanced to the dignity of an Irish peerage. He had, from early life, shared in the general enthusiasm of England in favour of American plantations; he had been a member of the great company for Virginia; and, while secretary of state, he had obtained a special patent for the southern promontory of Newfoundland. How zealous he was in selecting suitable emigrants, how earnest to promote habits of domestic order and economical industry, how lavishly he expended his estate in advancing the interests of his settlement on the rugged shores of Avalon,(4) is related by those who have written of his life. He desired, as a founder of a colony, not present profit, but a reasonable expectation; and, perceiving the evils of a common stock, he cherished enterprise by leaving each one to enjoy the results of his own industry. But numerous difficulties prevented success in Newfoundland: Parliament had ever asserted the freedom of the fisheries,(5) which his grants tended to impair; the soil and the climate proved less favourable than had been described in the glowing and deceptive pictures of his early agents; and the incessant danger

(1) Stow, edition of 1631, p. 1031.

(2) Winwood, ii. 58, and iii. 318 and 337.

(3) Debates of 1620 and 1621, i. 175.

(4) Whitbourne's Newfoundland, in the Cambridge library. Also, Purchas, iv. 1882-1891; Collier on Calvert; Fuller's Worthies of Yorkshire, 201, 202; Wood's Athenæ Oxonienses, ii. 522, 523; Lloyd's State Worthies, in Biog. Brit. article Calvert; Chalmers, 201.

(5) Chalmers, 84, 100, 114, 115, 116, 130.

of attacks from the French, who were possessed of the circumjacent continent, spread a gloom over the future. Twice, it is said, did Lord Baltimore, in person, visit his settlement; with ships, manned at his own charge, he repelled the French, who were hovering round the coast with the design of annoying the English fishermen; and, having taken sixty of them prisoners, he secured a temporary tranquillity to his countrymen and his colonists. But, notwithstanding this success, he found all hopes of a thriving plantation in Avalon to be vain. Why should the English emigrate to a rugged and inhospitable island, surrounded by a hostile power, when the hardships of colonizing the milder regions of Virginia had already been encountered, and a peaceful home might now be obtained without peril?

Lord Baltimore looked to Virginia, of which the climate, the fertility, and the advantages, were so much extolled. Yet, as a Papist, he could hardly expect a hospitable welcome in a colony from which the careful exclusion⁽¹⁾ of Roman Catholics had been originally avowed as a special object, and where the statutes of the provincial legislature, as well as the commands of the sovereign, aimed at ¹⁶²⁸, a perpetual religious uniformity. When Lord Baltimore more visited Virginia in person, the zeal of the assembly immediately ordered the oaths of allegiance and supremacy to be tendered him. It was in vain that he proposed a form which he was willing to subscribe; the government firmly insisted upon that which had been chosen by the English statutes, and which was purposely framed in such language as no Catholic could adopt. A letter was transmitted from the assembly to the privy ¹⁶²⁹, council, explanatory of the dispute which had grown out of the intolerance of European legislation.⁽²⁾ It was evident that Lord Baltimore could never hope for quiet in any attempt at establishing a colony within the jurisdiction of Virginia.

But the country beyond the Potomac seemed to be as yet untenanted by any but the scattered hordes of the native tribes. The French, the Dutch, and the Swedes, were preparing to occupy the country; and a grant seemed the readiest mode of securing the soil by an English settlement.⁽³⁾

(1) Hazard, 1. 79.

(2) Ancient Records, in Burk, II. 24—27.

(3) Hammond's Leah and Rachel, 19.

The cancelling of the Virginia patents had restored to the monarch the ample authority of his prerogative over the soil; he might now sever a province from the colony, to which he had at first assigned a territory so vast; and it was not difficult for Calvert—a man of such moderation that all parties were taken with him, (1) sincere in his character, disengaged from all interests, and a favourite with the royal family—to obtain a charter for domains in that happy clime. The nature of the document itself, and concurrent opinion, leave no room to doubt that it was penned by the first Lord Baltimore himself, although it was finally issued for the benefit of his son.

The fundamental charter (2) of the colony of Maryland, however it may have neglected to provide for the power of the king, was the sufficient frank-pledge of the liberties of the colonist, not less than of the rights and interests of the proprietary. The ocean, the fortieth parallel of latitude, the meridian of the western fountain of the Potomac, the river itself from its source to its mouth, and a line drawn due east from Watkin's Point to the Atlantic,—these were the limits of the territory, which was now erected into a province, and from Henrietta Maria, the daughter of Henry IV. and wife of Charles I., whose restless mind, disdaining contentment in domestic happiness, aspired to every kind of power and distinction, received the name of Maryland. The country thus described was given to Lord Baltimore, his heirs and assigns, as to its absolute lord and proprietary, to be holden by the tenure of fealty only, paying a yearly rent of two Indian arrows, and a fifth of all gold and silver ore which might be found. Yet the absolute authority was conceded rather with reference to the crown than the colonists; for the charter, unlike any patent which had hitherto passed the great seal of England, secured to the emigrants themselves an independent share in the legislation of the province, of which the statutes were to be established with the advice and approbation of the majority of the freemen or their deputies. Representative government was indis-

(1) Collier on Calvert.

(2) The charter may be found in Hazard, i. 327—337; in Bacon's *Laws of Maryland at Large*. It is appended in English to the *Relation of Maryland*, 1635. It has been commented upon by Chalmers, 202—205; very diffusely by McMahon, 183—183; by Story, i. 92—94; and many others.

solubly connected with the fundamental charter ; and it was especially provided, that the authority of the absolute proprietary should not extend to the life, freehold, or estate of any emigrant. These were the features which endeared the proprietary government to the people of Maryland ; and, but for these, the patent would have been as worthless as those of the London company, of Warwick, of Gorges, or of Mason. It is a singular fact, that the only proprietary charters productive of considerable emolument to their owners, were those which conceded popular liberty. For the benefit of the colony, the statutes restraining emigration were dispensed with ; and, at the appointment of the Baron of Baltimore, all present and future liege people of the English king, except such as should be expressly forbidden, might freely transport themselves and their families to Maryland. Christianity was by the charter made the law of the land ; but no preference was given to any sect ; and equality in religious rights, not less than in civil freedom, was assured. A monopoly of the fisheries had formerly been earnestly resisted by the commons of England : to avoid all dispute on this point, Calvert, in his charter, expressly renounced any similar claim. As a Catholic, he needed to be free from the jurisdiction of his neighbour : Maryland was carefully separated from Virginia ; nor was he obliged to obtain the royal assent to the appointments or the legislation of his province, nor even to make a communication of the results. So far was the English monarch from reserving any right of superintendence in the colony, he left himself without the power to take cognizance of what transpired ; and, by an express stipulation, covenanted, that neither he, nor his heirs, nor his successors, should ever, at any time thereafter, set any imposition, custom, or tax, whatsoever, upon the inhabitants of the province. Thus was conferred on Maryland an exemption from English taxation for ever. Sir George Calvert was a man of sagacity, and an observing statesman. He had beheld the arbitrary administration of the colonies ; and, against any danger of future oppression, he provided the strongest defence which the promise of a monarch could afford. Some other rights were conferred on the proprietary—the *advowson* of churches ; the power of creating manors and *courts baron*, and of establishing a colonial aristocracy on the *system* of sub-infeudation. But these things were

practically of little moment. Even in Europe, feudal institutions appeared like the decrepitude of age amidst the vigour and enterprise of a new and more peaceful civilization; they could not be perpetuated in the lands of their origin—far less could they renew their youth in America. Sooner might the oldest oaks in Windsor Forest be transplanted across the Atlantic, than the social forms, which Europe itself was beginning to reject as antiquated and rotten. But the seeds of popular liberty, contained in the charter, would find, in the New World, the very soil best suited to quicken them into life and fruitfulness.

Calvert deserves to be ranked among the most wise and benevolent lawgivers of all ages. He was the first in the history of the Christian world to seek for religious security and peace by the practice of justice, and not by the exercise of power; to plan the establishment of popular institutions with the enjoyment of liberty of conscience; to advance the career of civilization, by recognizing the rightful equality of all Christian sects. The asylum of Papists was the spot where, in a remote corner of the world, on the banks of rivers which as yet had hardly been explored, the mild forbearance of a proprietary adopted religious freedom as the basis of the state.

Before the patent could be finally adjusted and pass the great seal, Sir George Calvert died,⁽¹⁾ leaving a name against which the breath of calumny has hardly whispered a reproach. The petulance of his adversaries could only taunt him with being "an Hispaniolized Papist."⁽²⁾ His son, Cecil Calvert, succeeded to his honours and fortunes. For him, the heir of his father's intentions⁽³⁾ not less than of his father's fortunes, the charter of Maryland was published and confirmed, and he obtained the high distinction of successfully performing what the colonial companies had hardly been able to achieve. At a vast expense, he planted a colony, which for several generations descended as a patrimony to his heirs.

Virginia regarded the severing of her territory with apprehension, and before any colonists had embarked under the charter of Baltimore, her commissioners had in England remonstrated against the grant as an invasion of her commercial rights, an infringement on her domains, and a discouragement to her planters. In Strafford, Lord

⁽¹⁾ Chalmers, 201.

⁽²⁾ Wilson, in Kennett, iii. 705.

⁽³⁾ The charter asserts it.

Baltimore found a friend,—for Strafford had been the friend of the father,(1)—and the remonstrance was in vain; the privy council sustained the proprietary charter, and, advising the parties to an amicable adjustment of all disputes, commanded a free commerce and a good correspondence between the respective colonies.(2)

Nor was it long before gentlemen of birth and quality resolved to adventure their lives and a good part of their fortunes in the enterprise of planting a colony under so favourable a charter. Lord Baltimore, who, for some unknown reason, abandoned his purpose of conducting the emigrants in person, appointed his brother to act as his lieutenant; and on Friday, the 22nd of November, with a small but favouring gale, Leonard Calvert, and about two hundred people, most of them Roman Catholic gentlemen and their servants, in the *Ark and the Dove*, a ship of large burden, and a pinnace, set sail for the northern bank of the Potomac. Having stayed by the way in Barbadoes and St. Christopher, it was not till 1634. February of the following year that they arrived at Point Comfort, in Virginia; where, in obedience to the express letters of King Charles, they were welcomed by Harvey with courtesy and humanity. Clayborne also appeared, but it was as a prophet of ill omen, to terrify the company by predicting the fixed hostility of the natives.

Leaving Point Comfort, Calvert sailed into the Potomac,(3) and with the pinnace ascended the stream. A cross was planted on an island, and the country claimed for Christ and for England. At about forty-seven leagues above the mouth of the river, he found the village of Piscataqua, an Indian settlement, nearly opposite Mount Vernon. The chieftain of the tribe would neither bid him go nor stay; "he might use his own discretion." It did not seem safe for the English to plant the first settlement so high up the river; Calvert descended the stream, examining, in his barge, the creeks and estuaries nearer the Chesapeake; he entered the river which is now called St. Mary's, and which he named St. George's, and about four leagues from its junction with the Potomac, he anchored at the Indian town of Yoacomoco. The native inhabit-

(1) Chalmers, 209.

(2) Hazard, i. 337. Bozman, 381 and 265. Chalmers, 231.

(3) Winthrop, i. 134.

ants having suffered from the superior power of the Susquehannahs, who occupied the district between the bays, had already resolved to remove into places of more security in the interior, and many of them had begun to migrate before the English arrived. To Calvert the spot seemed convenient for a plantation; it was easy, by presents of cloth and axes, of hoes and knives, to gain the good-will of the natives, and to purchase their rights to the soil which they were preparing to abandon. They readily gave consent that the English should immediately occupy one-half of their town, and after the harvest should become the exclusive tenants of the whole. Mutual promises of friendship and peace were made, so that upon the 27th day of March the Catholics took quiet possession of the little place, and religious liberty obtained a home, its only home in the wide world, at the humble village which bore the name of St. Mary's.

Three days after the landing of Calvert, the *Ark and the Dove* anchored in the harbour. Sir John Harvey soon arrived on a visit; the native chiefs also came to welcome or to watch the emigrants, and were so well received, that they resolved to give perpetuity to their league of amity with the English. The Indian women taught the wives of the new comers to make bread of maize; the warriors of the tribe instructed the huntsmen how rich were the forests of America in game, and joined them in the chase. And as the season of the year invited to the pursuits of agriculture, and the English had come into possession of ground already subdued, they were able at once to possess cornfields and gardens, and prepare the wealth of successful husbandry. Virginia, from its surplus produce, could furnish a temporary supply of food, and all kinds of domestic cattle. No sufferings were endured, no fears of want were excited; the foundation of the colony of Maryland was peacefully and happily laid. Within six months it had advanced more than Virginia had done in as many years. The proprietary continued with great liberality to provide everything that was necessary for its comfort and protection, and spared no cost to promote its interests; expending in the two first years upwards of forty thousand pounds sterling.⁽¹⁾ But far more memorable was the character of the Maryland institutions. Every other country

(1) Chalmers, 205—208. McMahon, 196—198.

in the world had persecuting laws ; " I will not,"—such was 1636. the oath for the governor of Maryland,—“ I will not, 1639. by myself or any other, directly or indirectly, molest any person professing to believe in Jesus Christ, for or in respect of religion.”(1) Under the mild institutions and munificence of Baltimore, the dreary wilderness soon bloomed with the swarming life and activity of prosperous settlements ; the Roman Catholics, who were oppressed by the laws of England, were sure to find a peaceful asylum in the quiet harbours of the Chesapeake ; and there, too, Protestants were sheltered against Protestant intolerance.

Such were the beautiful auspices under which the province of Maryland started into being ; its prosperity and its peace seemed assured, the interests of its people and its proprietary were united, and for some years its internal peace and harmony were undisturbed. Its history is the history of benevolence, gratitude, and toleration. No domestic factions disturbed its harmony. Everything breathed peace but Clayborne. Dangers could only grow out of external causes, and were eventually the sad consequences of the revolution in England.

Twelve months had not elapsed before the colony 1635. of Maryland was convened for legislation. Probably all the freemen of the province were present in a strictly popular assembly. The laws of the session are no longer extant ; but we know that the necessity of vindicating the jurisdiction of the province against the claims of Clayborne was deemed a subject worthy of the general deliberation and of a decisive act ;(2) for he had been roused, by confidence in his power, to resolve on maintaining his possessions by force of arms. The earliest annals of Maryland are defaced by the accounts of a bloody skirmish on one of the rivers near the Isle of Kent. Several lives were lost in the affray ; but Clayborne's men were defeated and taken prisoners. Clayborne himself had fled to Virginia ; and when he was reclaimed by the government of Maryland, Harvey, though he seems himself to have favoured Baltimore, sent the fugitive with the witnesses to England.(3)

(1) Chalmers, 235. McMahon, 226.

(2) Chalmers, 210 and 232. Bacon, in his *Laws at Large*, makes no mention of this assembly.

(3) Bozman, 280—282. Burk, ii. 40, 41. Chalmers, 209, 210, 232. McMahon, 12.

When a colonial assembly was next convened, it passed an act of attainder against Clayborne; for he had not only derided the powers of the proprietary, but had scattered jealousies among the Indians, and infused a spirit of disobedience into the inhabitants of Kent Island. Now that he had fled, his estates were seized, and were declared forfeited to the laws, which he had contemned as invalid.⁽¹⁾ In England, Clayborne attempted to gain a hearing for his wrongs; and, partly by false representations, still more by the influence of Sir William Alexander, succeeded, for a season, in procuring the favourable disposition of Charles. But when the whole affair came to be referred to the commissioners for the plantations,^{1639.} it was found that, on received principles, the right of the king to confer the soil and the jurisdiction of Maryland could not be controverted; that the earlier license to traffic did not vest in Clayborne any rights which were valid against the charter, and therefore that the Isle of Kent belonged absolutely to Lord Baltimore, who alone could permit plantations to be established, or commerce with the Indians to be conducted within the limits of his territory.⁽²⁾

Yet the people of Maryland were not content with vindicating the limits of their province; they were jealous of their liberties. The charter had secured to them the right of advising and approving in legislation. Did Lord Baltimore alone possess the right of originating laws? The people of Maryland rejected the code which the proprietary, as if holding the exclusive privilege of proposing statutes, had prepared for their government; and, asserting their equal rights of legislation, they, in their turn, enacted a body of laws, which they proposed for the assent of their proprietary;—so uniformly active in America was the spirit of popular liberty. How discreetly it was exercised cannot now be known, for the laws which were then enacted were never ratified, and are therefore not to be found in the provincial records.⁽³⁾

In the early history of the United States, nothing is more remarkable than the uniform attachment of each colony to its franchises; and popular assemblies burst

(1) Chalmers, 210.

(2) Bozman, 330—344. Chalmers, 212, 232—235.

(3) Bacon, 1637. Chalmers, 211. Bozman, 299—318, and 324—329. McMahon, 145.

everywhere into life with a consciousness of their importance, and an immediate capacity for efficient legislation. The first assembly of Maryland had vindicated the jurisdiction of the colony; the second had asserted its claims to original legislation; the third, which was now convened, examined its obligations, and, though not all its acts were carried through the forms essential to their validity, it yet displayed the spirit of the people and the times by framing a declaration of rights. Acknowledging the duty of allegiance to the English monarch, and securing to Lord Baltimore his prerogatives, it likewise confirmed to the inhabitants of Maryland all the liberties which an Englishman can enjoy at home, established a system of representative government, and asserted for the general assemblies in the province all such powers as may be exercised by the commons of England.⁽¹⁾ Indeed, throughout the whole colonial legislation of Maryland, the body representing the people, in its support of the interests and civil liberties of the province, was never guilty of timidity or treachery.⁽²⁾ It is strange that religious bigotry could ever stain the statute-book of a colony founded on the basis of the freedom of conscience. An apprehension or some remote danger of persecution seems even then to have hovered over the minds of the Roman Catholics and at this session they secured to their church its rights and liberties. Those rights and those liberties, it is plain from the charter, could be no more than the tranquil exercise of the Roman worship. The constitution had not yet attained a fixed form; thus far it had been a species of democracy under an hereditary patriarch. The act⁽³⁾ constituting the assembly marks the transition to a representative government. At this session, any freeman who had taken no part in the election, might attend in person; henceforward, the governor might summon his friends by special writ; while the people were to choose as many delegates as "the freemen should think good." As yet there was no jealousy of power, no strife for place. While these laws prepared a frame of government for future generations, we are reminded of the feebleness and poverty of the state, where the whole people were obliged to contribute to "the setting up of a water-mill."⁽⁴⁾

(1) Bacon, 1688-9, c. i. ii.

(2) McMahon, 149.

(3) *Ibid.* 1688-9, c. i. Griffith's Maryland, 7.

(4) Bacon, 1688-9. Chalmers, 213, 214. Griffith, 8.

The restoration of the charter of the London company would have endangered the separate existence of Maryland; yet we have seen Virginia, which had ever been jealous of the division of its territory, defeat the attempt to revive the corporation. Meantime, the legislative assembly of Maryland, in the grateful enjoyment of happiness, seasonably guarded the tranquillity of the province against the perplexities of an "interim," by providing for the security of the government in case of the death of the proprietary. Commerce also was fostered; and tobacco, the staple of the colony, subjected to inspection.

Nor was it long before the inhabitants recognized Lord Baltimore's "great charge and solicitude in maintaining the government, and protecting them in their persons, rights, and liberties;" and therefore, "out of desire to return some testimony of gratitude," they freely granted "such a subsidy as the young and poor estate of the colony could bear."⁽¹⁾ Maryland, at that day, was unsurpassed for happiness and liberty. Conscience was without restraint; a mild and liberal proprietary conceded every measure which the welfare of the colony required; domestic union, a happy concert between all the branches of government, an increasing emigration, a productive commerce, a fertile soil, which Heaven had richly favoured with rivers and deep bays, united to perfect the scene of colonial felicity and contentment. Ever intent on advancing the interests of his colony, Lord Baltimore invited the Puritans of Massachusetts to emigrate to Maryland, offering them lands and privileges, and "free liberty of religion;" but Gibbons, to whom he had forwarded a commission, was "so wholly tutored in the New England discipline," that he would not advance the wishes of the Irish peer; and the people, who subsequently refused Jamaica and Ireland, were not now tempted to desert the Bay of Massachusetts for the Chesapeake.⁽²⁾

But secret dangers existed. The aborigines, alarmed at the rapid increase of the Europeans, vexed at being frequently overreached by the cupidity of traders, not yet entirely recovered from the jealousies which the malignant Clayborne had infused, commenced hostilities; for the Indians, ignorant of the remedy of

(1) *Bacon*, 1641-2, c. v.

(2) *Winthrop*, ii. 148, 149.

redress, always plan retaliation. After a war of frontier aggressions, marked by no decisive events, peace was re-established on the usual terms of submission and promises of friendship, and rendered durable by the prudent legislation of the assembly and the firm humanity of the government. The pre-emption of the soil was reserved to Lord Baltimore, kidnapping an Indian made a capital offence, and the sale of arms prohibited as a felony.⁽¹⁾ A regulation of intercourse with the natives was the surest preventive of war; the wrongs of an individual were ascribed to the nation; the injured savage, ignorant of peaceful justice, panted only for revenge; and thus the obscure villany of some humble ruffian, whom the government would willingly punish for his outrages, might involve the colony in the horrors of savage warfare.

¹⁶⁴³⁻ But the restless Clayborne, urged, perhaps, by the
^{1646.} conviction of having been wronged, and still more by the hope of revenge, proved a far more dangerous enemy. Now that the civil war in England left nothing to be hoped from royal patronage, he declared for the popular party, and, with the assistance of one Ingle, who obtained sufficient notoriety to be proclaimed a traitor to the
^{1643.} king,⁽²⁾ he was able to promote a rebellion. By the very nature of the proprietary frame of government, the lord paramount could derive physical strength and resources only from his own private fortunes, or from the willing attachment of his lieges. His power depended on a union with his people. In times of peace, this condition was eminently favourable to the progress of liberty; the royal governors were often able, were still more often disposed, to use oppressive and exacting measures; the deputies of the proprietaries were always compelled to struggle for the assertion of the interests of their employer; they could never become successful aggressors on the liberties of the people. Besides, the crown, always jealous of the immense powers which had been carelessly lavished on the proprietary, was usually willing to favour the people in every reasonable effort to improve their condition, or limit the authority of the intermediate sovereign. At present, when the commotions in England left every colony in America almost unheeded, and Virginia and New England were pursuing a course of nearly inde-

(1) Bacon, 1649, c. iii. vi.

(2) Bacon's Preface. Chalmers, 217.

pendent legislation, the power of the proprietary was almost as feeble as that of the king. The other colonies took advantage of the period to secure and advance their liberties: in Maryland, the effect was rather to encourage the insubordination of the restless; and Clayborne was 1644, able to excite an insurrection. Early in 1645, the rebels 1645. were triumphant; unprepared for an attack, the governor was compelled to fly, and more than a year 1646. elapsed before the assistance of the well-disposed could enable him to resume his power and restore tranquillity. The insurgents distinguished the period of their dominion by disorder and misrule, and most of the 1647- records were then lost or embezzled.(1) Peace was 1649. confirmed by the wise clemency of the government; the offences of the rebellion were concealed by a general amnesty;(2) and the province was rescued, though not without expense,(3) from the distresses and confusion which had followed a short but vindictive and successful insurrection.

The controversy between the king and the parlia- 1649. ment advanced; the overthrow of the monarchy seemed about to confer unlimited power in England upon the embittered enemies of the Romish church; and, as if with a foresight of impending danger, and an earnest desire to stay its approach, the Roman Catholics of Maryland, with the earnest concurrence of their governor and of the proprietary, determined to place upon their statute-book an act for the religious freedom which had ever been sacred on their soil. "And whereas the enforcing of the conscience in matters of religion"—such was the sublime tenor of a part of the statute—"hath frequently fallen out to be of dangerous consequence in those commonwealths where it has been practised, and for the more quiet and peaceable government of this province, and the better to preserve mutual love and amity among the inhabitants, no person within this province, professing to believe in Jesus Christ, shall be any ways troubled, molested, or discountenanced, for his or her religion, or in the free exercise thereof." Thus did the early star of religious freedom appear as the harbinger of day; though, as it first gleamed above the horizon, its light was coloured and obscured by the mists and exhalations of morning. The

(1) Bacon's Preface. Chalmers, 217, 218. Burk, ii. 112. McMahon, 302.

(2) Bacon, 1650, c. xxiv.

(3) Ibid. 1649, c. ix.

government in explaining and confirming the civil liberties of the colony. In 1642, Robert Vaughan, in the name of the rest of the burgesses, had desired, that the house might be separated, and thus a negative secured to the representatives of the people. Before 1649, this change had taken place; and it was confirmed by a statute. (1) The dangerous prerogative of declaring martial law was also limited to the precincts of the camp and the garrison; (2) and a perpetual act declared, that no tax should be levied upon the freemen of the province, except by the vote of their deputies in a general assembly. "The strength of the proprietary" was confidently proposed "in the affections of his people." (3) Well might the freemen of Maryland place upon their records a declaration of their gratitude, "as a memorial to all posterities," and a pledge that succeeding generations would faithfully "remember" the care and industry of Lord Baltimore in advancing "the peace and happiness of the colony." (4)

But the revolutions in England could not but affect the destinies of the colonies; and while New England and Virginia vigorously advanced their liberties under the salutary neglect, Maryland was involved in the miseries of a disputed government. The people were ready to display every virtue of good citizens; but doubts were raised as to the authority to which obedience was due; and the government, which had been a government of benevolence, good order, and toleration, was, by the force of circumstances, soon abandoned to the misrule of bigotry and the anarchy of a disputed sovereignty. When the throne and the peerage had been subverted in England, it might be questioned whether the mimic monarchy of Lord Baltimore should be permitted to continue. When hereditary power had ceased in the mother country, might it properly exist in the colony? It seemed uncertain, if the proprietary could maintain his position; and the scrupulous Puritans hesitated to take an unqualified oath of fealty, with which they might be unable to comply. (5) Englishmen were no longer lieges of a sovereign, but members of a commonwealth; and, but for the claims of Baltimore, Maryland would equally enjoy the benefits of

(1) Bacon, 1649, c. xii. and note 1650, c. i.

(2) Ibid. 1650, c. xxvi.

(4) Ibid. 1650, c. xxiii.

(3) Ibid. 1650, c. xxv.

(5) Strong's Babylon's Fall, i. 2.

republican liberty. Great as was the temptation to assert independence, it would not have prevailed, could the peace of the province have been maintained. But who, it might well be asked, was the sovereign of Maryland? Her "beauty and extraordinary goodness" had been to her a fatal dowry; and Maryland was claimed by four separate aspirants. Virginia (1) was ever ready to revive its rights to jurisdiction beyond the Potomac, and Clayborne had already excited attention by his persevering opposition; (2) Charles II., incensed against Lord Baltimore for his adhesion to the rebels and his toleration of schismatics, had issued a commission to Sir William Davenant; (3) Stone was the active deputy of Lord Baltimore: and parliament had already appointed its commissioners.

In the ordinance (4) for the reduction of the rebellious colonies, Maryland had not been included; if Charles II. had been inconsiderately proclaimed by a temporary officer, the offence had been expiated; (5) and, as assurances had been given of the fidelity of Stone to the commonwealth, no measures against his authority were designed. (6)

Yet the commissioners were instructed to reduce "all 1651. the plantations within the Bay of the Chesapeake;" (7) and it must be allowed that Clayborne might find in the ambiguous phrase, intended, perhaps, to include only 1652. the settlements of Virginia, a sufficient warrant to stretch his authority to Maryland. The commissioners accordingly entered the province; and, after much altercation with Stone, depriving him of his commission from Lord Baltimore, and changing the officers of the province, they at last established a compromise. Stone, with three of his council, was permitted to retain the executive power till further instructions should arrive from England. (8)

The dissolution of the Long Parliament threatened 1653. a change in the political condition of Maryland; for, it was argued, the only authority under which Bennett and Clayborne had acted had expired with the body from which

(1) Hazard, i. 620—630. McMahon, 207, 208.

(2) Bacon, 1650, c. xvii.

(3) Langford, 3, 4. Grahame's U. S. i. 117, 118.

(4) Hazard, i. 636.

(5) McMahon, 203.

(6) Langford, 6 and 7.

(7) Thurloe, i. 198. Hazard, i. 557. Hammond, 20, 21.

(8) Strong, 2 and 3. Langford, 7 and 8. Bacon's Preface. McMahon, 206, 208. Chalmers, 122.

it was derived.(1) In consequence, Stone, Hatton, and his friends reinstated the rights of Lord Baltimore in their integrity; displacing all officers of the contrary party, they introduced the old council, and declared the condition of the colony, as settled by Bennett and Clayborne, to have been a state of rebellion.(2) A railing proclamation to that effect was published to the Puritans in their church meeting.

The measures were rash and ill advised. No sooner did Clayborne and his colleague learn the new revolution than they hastened to Maryland, where it was immediately obvious that they could be met by no effectual resistance. Unable to persuade Stone, "in a peaceable and loving way," to abandon the claims of Lord Baltimore, they yet compelled him to surrender his commission and the government into their hands. This being done, Clayborne and Bennett appointed a board of ten commissioners, to whom the administration of Maryland was intrusted.(3)

Intolerance followed upon this arrangement, for parties had necessarily become identified with religious sects, and Maryland itself was the prize contended for.(4) The Puritans, ever the friends of popular liberty, hostile to monarchy, and equally so to a hereditary proprietary, contended earnestly for every civil liberty; but had neither the gratitude to respect the rights of the government, by which they had been received and fostered, nor magnanimity to continue the toleration, to which alone they were indebted for their residence in the colony. A new assembly, convened at Patuxent, acknowledged the authority of Cromwell, but it also exasperated the whole Romish party by their wanton disfranchisement. An act concerning religion confirmed the freedom of conscience, provided the liberty were not extended to "popery, prelacy,(5) or licentiousness" of opinion. Yet Cromwell, a friend to religious toleration, and willing that the different sects, "like the cedar, and the myrtle, and the oil-tree, should be planted in the wilderness together," never approved the ungrateful decree. He commanded the

(1) Langford, 10. Strong, 3.

(2) Strong, 3. Hazard, 1. 626. The date is there 1653. It was in 1654, as Strong asserts. McMahon, 206, cites Hazard doubtfully. Bacon, 1654, c. xlv. Hammond, 22.

(3) Strong, 3, 4, 5. Langford, 11, 12. McMahon, 206. Chalmers, 223.

(4) Hammond, 22. Sad State, 9.

(5) Bacon, 1654, c. lv.

commissioners "not to busy themselves about religion, but to settle the civil government." (1)

When the proprietary heard of these proceedings, he was indignant at the want of firmness which his lieutenant had displayed. (2) The pretended assembly was esteemed "illegal, mutinous, and usurped;" and Lord Baltimore and his officers determined, under the powers which the charter conferred, to vindicate his supremacy. (3) Towards 1655. the end of January, on the arrival of a friendly ship, it was immediately noised abroad that his patent had been confirmed by the protector; and orders began again to be issued for the entire restoration of his authority. Papists and others (4) were commissioned by Stone to raise men in arms, and the leaders of this new revolution were able to surprise and get possession of the provincial records. They marched also from Patuxent towards Anne Arundel, the chief seat of the republicans, who insisted on naming it Providence. The inhabitants of Providence and their partisans gathered together with the zeal that belongs to the popular party, and with the courage in which Puritans were never deficient. Vain were proclamations, promises, and threats. The party of Stone was attacked and utterly discomfited; he himself, with others, was taken, and would have been put to death but for the respect and affection borne him by some among the insurgents whom he had formerly welcomed to Maryland. He was kept a prisoner during most of the administration of Cromwell; (5) while four of the principal men of the province, sentenced to death by a council of war, were presently executed. (6)

A friend to Lord Baltimore, then in the province, begged of the protector no other boon than that he would "condescend to settle the country by declaring his determinate will." (7) And yet the same causes which led Cromwell to neglect the internal concerns of Virginia, compelled him to pay but little attention to the disturbances in

(1) Chalmers, 236.

(2) Hazard, i. 629. Strong.

(3) Langford, 9, 10.

(4) Strong, 5.

(5) On this occasion were published Strong's *Babylon's Fall in Maryland*, and Langford's *Just and Clear Refutation of a Scandalous Pamphlet, entitled Babylon's Fall in Maryland, 1655*. Both are minute, and, in the main, agree. Compare Chalmers; McMahon, 207; Hazard, i. 621—626, and 629, 630; Bacon's Preface.

(6) Hammond, 22, 23.

(7) Barber, in Langford, 15.

Maryland. On the one hand, he respected the rights of property of Lord Baltimore; on the other, he protected his own political partisans, corresponded with his commissioners, and expressed no displeasure at their exercise of power.⁽¹⁾ The right to the jurisdiction of Maryland remained, therefore, a disputed question. Fuller, Preston, and the others, appointed by Clayborne, actually possessed authority; while Lord Baltimore, with the apparent sanction of the protector, commissioned⁽²⁾ Josias Fendall 1656. to appear as his lieutenant. Fendall had, the preceding year, been engaged in exciting an insurrection, under pretence of instructions from Stone; he now 1657. appeared as an open but unsuccessful insurgent. Little is known of his "disturbance," except that it occasioned a heavy public expenditure.⁽³⁾

Yet the confidence of Lord Baltimore was continued to Fendall, who received anew an appointment to the government of the province. For a season there was a divided 1658. rule; Fendall was acknowledged by the Catholic party in the city of St. Mary's, and the commissioners were sustained by the Puritans of St. Leonard's. At length the conditions of a compromise were settled, and the government of the whole province was surrendered to the agent of the proprietary. Permission to retain arms; an indemnity for arrears; relief from the oath of fealty; and a confirmation of the acts and orders of the recent Puritan assemblies;—these were the terms of the surrender, and prove the influence of the Puritans.⁽⁴⁾

Fendall was a weak and impetuous man, but I cannot find any evidence that his administration was stained by injustice. Most of the statutes enacted during his government were thought worthy of being perpetuated. The death of Cromwell left the condition of England uncertain, and might well diffuse a gloom through the counties of Maryland. For ten years the unhappy province had been distracted by dissensions, of which the root had consisted in the claims that Baltimore had always asserted, and had never been able to establish. What should now be done? England was in a less settled condition than ever. Would

(1) Thurloe, i. 724, and iv. 55. Hazard, i. 594, quotes but one of the rescripts. Hammond, 24.

(2) McMahon, 211.

(3) Bacon, 1657, c. viii.

(4) Bacon's Preface, and 1658, c. i. McMahon, 211, and Council Proceedings, in McMahon, note to 14.

the son of Cromwell permanently hold the place of his father? Would Charles II. be restored? Did new revolutions await the colony? new strifes with Virginia, the protector, the proprietary, the king? Wearied with long convulsions, a general assembly saw no security but in asserting the power of the people, and constituting the government on the expression of their will. Accordingly, just one day before that memorable session of Virginia, when the people of the Ancient Dominion adopted a similar system of independent legislation, the representatives of Maryland, convened in the house of Robert Slye, voted themselves a lawful assembly, without dependence on any other power in the province. The burgesses of Virginia had assumed to themselves the election of the council; the burgesses of Maryland refused to acknowledge the rights of the body claiming to be an upper house. In Virginia, Berkeley yielded to the public will; in Maryland, Fendall permitted the power of the people to be proclaimed. The representatives of Maryland, having thus successfully settled the government, and hoping for tranquillity after years of storms, passed an act, making it felony to disturb the order which they had established. No authority would henceforward be recognized, except the assembly and the king of England. (1) The light of peace promised to dawn upon the province.

Thus was Maryland, like Virginia, at the epoch of the restoration, in full possession of liberty, based upon the practical assertion of the sovereignty of the people. Like Virginia, it had so nearly completed its institutions, that, till the epoch of its final separation from England, it hardly made any further advances towards freedom and independence.

Men love liberty, even if it be turbulent; and the colony had increased, and flourished, and grown rich, in spite of domestic dissensions. Its population, in 1660, is variously estimated at eight thousand, (2) and at twelve thousand. (3) The country was dear to its inhabitants. There they desired to spend the remnant of their lives; there they coveted to make their graves. (4)

(1) Bacon, 1659-60. McMahon, 212. Chalmers, 224, 225. Griffith, 18. Ebeling, v. 709. The German historian is remarkably temperate. All others have been unjust to the legislature of Maryland.

(2) Fuller's Worthies, ed. 1662.

(3) Chalmers, 226.

(4) Hammond, 25.

CHAPTER VIII.

THE PILGRIMS.

THE settlement of New England was a result of the Reformation; (1) not of the contest between the new opinions and the authority of Rome, but of implacable differences between Protestant dissenters and the established Anglican church.

Who will venture to measure the consequences of actions by the apparent humility or the remoteness of their origin? The mysterious influence of that power which enchains the destinies of states, overruling the decisions of sovereigns and the forethought of statesmen, often deduces the greatest events from the least commanding causes. A Genoese adventurer, discovering America, changed the commerce of the world; an obscure German, inventing the printing-press, rendered possible the universal diffusion of increased intelligence; an Augustine monk, denouncing indulgences, introduced a schism in religion, and changed the foundations of European politics; a young French refugee, skilled alike in theology and civil law, in the duties of magistrates and the dialectics of religious controversy, entering the republic of Geneva, and conforming its ecclesiastical discipline to the principles of republican simplicity, established a party, of which Englishmen became members, and New England the asylum. The enfranchisement of the mind from religious despotism led directly to inquiries into the nature of civil government; and the doctrines of popular liberty, which sheltered their infancy in the wildernesses of the newly-discovered continent, within the short space of two centuries, have infused themselves into the life-blood of every rising state from Labrador to Chili, have erected outposts on the Oregon and in Liberia, and, making a proselyte of enlightened France, have disturbed all the ancient governments of Europe, by awakening the public mind to resistless action, from the shores of Portugal to the palaces of the czars.

The trading company of the west of England, incorporated in the same patent with Virginia, possessed too

(1) Heeren, i. 102, 103.

narrow resources or too little enterprise for success in establishing colonies. The Spaniards, affecting an exclusive right of navigation in the seas of the new hemisphere, captured and confiscated a vessel (1) which Popham, the chief justice of England, and Gorges, the governor of Plymouth, had, with some others, equipped for discovery. But a second and almost simultaneous expedition from Bristol encountered no disasters; and the voyagers, on their return, increased public confidence, by renewing the favourable reports of the country which they had visited. (2) The spirit of adventure was not suffered to slumber; the lord chief justice displayed persevering vigour, for his honour was interested in the success of the company which his influence had contributed to establish; Gorges, (3) the companion and friend of Raleigh, was still reluctant to surrender his sanguine hopes of fortune and domains in America; and, in the next year, two ships were despatched to Northern Virginia, commanded by Raleigh Gilbert, and bearing emigrants for a plantation under the presidency of George Popham. (4) After a tedious voyage, the adventurers reached the coast of America near the mouth of the Kennebec, and, offering public thanks to God for their safety, began their settlement under the auspices of religion, with a government framed as if for a permanent colony. Rude cabins, a storehouse, and some slight fortifications, were rapidly prepared, and the ships sailed for England, leaving forty-five emigrants in the plantation, which was named St. George. But the winter was intensely cold; the natives, at first friendly, became restless; the storehouse caught fire, and part of the provisions was consumed; the emigrants grew weary of their solitude; they lost Popham, their president, "the only one (5) of the company that died there;" the ships which revisited the settlement with

(1) Purchas, iv. 1827 and 1832, and ff. Gorges's Briefe Narration, c. iv. Prince's N. E. Chronology, 113, 114. II. Mass. Hist. Coll. ix. 3, 4.

(2) Gorges, c. v. 6.

(3) The name of Gorges occurs in Hume, c. xlv.; Lingard, viii. 449. Compare Belknap's Biography, i. 347—354. Gorges was ever a sincere royalist.

(4) Gorges, c. vii. viii. ix. Purchas, iv. 1828. Smith, ii. 173—175. Belknap, i. 350—354. I. Mass. Hist. Coll. i. 251, 252. Williamson's History of Maine, i. 197—203. Prince, 116, 117, 118, 119. Hubbard's N. E. 36, 37.

(5) Chalmers, 79, writes: "They looked at the numerous graves of the dead;" drawing on his imagination for embellishments. Compare II. Mass. Hist. Coll. ix. 4. Chalmers, 79, names among those who died, "Gilbert, their chief"—an error.

supplies, brought news of the death of the chief justice, the most vigorous friend of the settlement in England; and Gilbert, the sole in command at St. George, had, by the decease of his brother, become heir to an estate which invited his presence. So the plantation was abandoned; and the colonists, returning to England, "did coyne many excuses," and sought to conceal their own deficiency of spirit by spreading exaggerated accounts of the rugged poverty of the soil, and the inhospitable severity of the climate.⁽¹⁾ But the Plymouth company was dissatisfied with their pusillanimity; Gorges esteemed it a weakness to be frightened at a blast. The idea of a settlement in these northern latitudes was no longer terrific. The American fisheries also constituted a prosperous and well-established business. Three years had elapsed since the French had been settled in their huts at Port Royal; and the ships which carried the English from the Kennebec were on the ocean at the same time with the little squadron of the French, who succeeded in building Quebec, the very summer in which Maine was deserted.

The fisheries and the fur-trade were not relinquished; vessels were annually employed in traffic with the Indians; and once,⁽²⁾ at least, perhaps oftener, a part of a ship's company remained during a winter on the American coast. But new hopes were awakened, when Smith,—who
1614. had already obtained distinction in Virginia, and who had, with rare sagacity, discovered, and, with unceasing firmness, asserted, that colonization was the true policy of England,—with two ships, set sail for the coast north of the lands granted by the Virginia patent. The expedition was a private⁽³⁾ adventure of "four merchants of London and himself," and was very successful. The freights were profitable; the health of the mariners did not suffer; and the whole voyage was accomplished in less than seven months. While the sailors were busy with their hooks and lines, Smith examined the shores from the Penobscot to Cape Cod, prepared a map of the coast,⁽⁴⁾

(1) Sir W. Alexander's Map of New England, 30.

(2) Gorges, c. x. Prince, 119.

(3) Chalmers, 80, erroneously attributes the expedition to the Plymouth company. See Smith, in iii. Mass. Hist. Coll. iii. 19; and in his *Historie*, ii. 175, 176; Purchas, iv. 1828.

(4) Map, in iii. Mass. Hist. Coll. iii.

and named the the country New England,—a title which Prince Charles confirmed. The French could boast, with truth, that New France had been colonized before New England obtained a name; Port Royal was older than Plymouth, Quebec than Boston. Yet the voyage was not free from crime. After Smith had departed for England, Thomas Hunt, the master of the second ship, kidnapped a large party of Indians, and, sailing for Spain, sold "the poor innocents" into slavery. It is singular how good is educed from evil: one of the number, escaping from captivity, made his way to London, and, in 1619, was restored to his own country, where he subsequently became an interpreter for English emigrants.(1)

1615. Encouraged by commercial success, Smith next endeavoured, in the employment of Sir Ferdinando Gorges, and of friends in London, members of the Plymouth company, to establish a colony. Sixteen men(2) were all whom the adventurers destined for the occupation of New England. The attempt was unsuccessful. Smith was forced by extreme tempests to return. Again renewing his enterprise, he suffered from the treachery of his companions, and was, at last, intercepted by French pirates. His ship was taken away; he himself escaped alone, in an open boat, from the harbour of Rochelle.(3) The severest privations in a new settlement would have been less wearisome, than the labours which his enthusiasm now prompted him to undertake. Having published a map and a description of New England, he spent many months(4) in visiting the merchants and gentry of the west of England, to excite their zeal for enterprise in

1617. America: he proposed to the cities, mercantile profits, to be realized in short and safe voyages; to the noblemen, vast dominions; from men of small means, his earnestness concealed the hardships of emigrants, and upon the dark ground, drew a lively picture of the rapid advancement of fortune by colonial industry, of the

(1) Smith's Description of New England, 47. Smith's General Historie, ii. 176. Morton's Memorial, 55, and Davis on Morton. Prince, 132. Mount's Relation, in i. M. H. Coll. viii. 238. Plantation of N. England, in ii. Mass. Hist. Coll. ix. 6, 7.

(2) Williamson's Maine, i. 212. The learned and very valuable historian of Maine confounds this design of Smith to found a colony with his previous voyage for trade and discovery.

(3) Smith, ii. 205—215; and in iii. Mass. Hist. Coll. iii. 20, 21.

(4) Smith, ii. 218.

abundance of game, the delights of unrestrained liberty ; the pleasures to be derived from "angling and crossing the sweet air from isle to isle, over the silent streams of a calm sea." (1) The attention of the western company was excited ; they began to form vast plans of colonization ; Smith was appointed admiral of the country for life ; and a renewal of the letters-patent, with powers analogous to those possessed by the southern company,

became an object of eager solicitation. But a new charter was not obtained without vigorous opposition. "Much difference there was betwixt the Londoners and the Westerlings," (2) since each party strove to engross all the profits to be derived from America ; while the interests of the nation were boldly sustained by others, who were desirous that no monopoly should be conceded to either company. The remonstrances of the Virginia corporation, (3) and a transient regard for the rights of the country, could delay, but not defeat, a measure that was sustained by the personal favourites of the monarch.

After two years' entreaty, the ambitious adventurers gained everything which they had solicited ; and King James issued to forty of his subjects, some of them members of his household and his government, the most wealthy and powerful of the English nobility, a patent, (4) which in American annals, and even in the history of the world, has but one parallel. The adventurers and their successors were incorporated as "The Council established at Plymouth, in the county of Devon, for the planting, ruling, ordering and governing New England, in America." The territory conferred on the patentees in absolute property, with unlimited jurisdiction, the sole powers of legislation, the appointment of all officers and all forms of government, extended, in breadth, from the fortieth to the forty-eighth degree of north latitude, and, in length, from the Atlantic to the Pacific ; that is to say, nearly all the inhabited British possessions to the north of the United States, all New England, New York, half of New Jersey, very nearly all Pennsylvania, and the whole of the country to the west of these states, comprising, and, at

(1) Smith's *Historie*, ii. 201.

(2) *Ibid.* in iii. *Mass. Hist. Coll.* iii. 21. Hubbard, 84, 85. Gorges ; Purchas, iv. 1830, 1831.

(3) Stith, 185. Hazard, i. 390.

(4) *Trumbull's Connecticut*, i. 546-547. Hazard, i. 103-118. Baylies, i. 160-165. Compare Hubbard, c. xxx. ; Chalmers, 81-85.

the time, believed to comprise, (1) much more than a million of square miles, and capable of sustaining far more than two hundred millions of inhabitants, were, by a single signature of King James, given away to a corporation within the realm, composed of but forty individuals. The grant was absolute and exclusive: it conceded the land and islands; the rivers and the harbours; the mines and the fisheries. Without the leave of the council of Plymouth, not a ship might sail into a harbour from Newfoundland to the latitude of Philadelphia; not a skin might be purchased in the interior; not a fish might be caught on the coast; not an emigrant might tread the soil. No regard was shown for the liberties of those who might become inhabitants of the colony; they were to be ruled, without their own consent, by the corporation in England. The patent favoured only the cupidity of the proprietors, and possessed all the worst features of a commercial monopoly. A royal proclamation was soon issued, enforcing its provisions; and a revenue was already considered certain from an onerous duty on all tonnage employed in the American fisheries. (2) The results which grew out of the concession of this charter form a new proof, if any were wanting, of that mysterious connection of events by which Providence leads to ends that human councils had not conceived. The patent left the emigrants at the mercy of the unrestrained power of the corporation; and it was under concessions from that plenary power, confirmed, indeed, by the English monarch, that institutions the most favourable to colonial liberty were established. The patent yielded everything to the avarice of the corporation; the very extent of the grant rendered it of little value. The jealousy of the English nation, incensed at the concession of vast monopolies by the exercise of the royal prerogative, immediately prompted the House of Commons to question the validity of the grant; (3) and the French nation, whose traders had been annually sending home rich freights of furs, while the English were disputing about charters and commissions, derided the tardy action of the British monarch in be-

(1) Smith, in *iii. Mass. Hist. Coll.* *iii.* 31, estimates the land at one million one hundred and twenty thousand square miles—a computation far below the truth.

(2) Smith, in *iii. Mass. Hist. Coll.* *iii.* 32. Smith, *ii.* 263.

(3) Chalmers, 100—102. *Parliamentary Debates*, 1690—1691, *i.* 264, 216, 219.

stowing lands and privileges, which their own sovereign, seventeen years before, had appropriated.(1) The patent was designed to hasten plantations, in the belief that men would eagerly throng to the coast, and put themselves under the protection of the council; and, in fact, adventurers were delayed, through fear of infringing the rights of a powerful company.(2) While the English monopolists were wrangling about their exclusive privileges, the first permanent colony on the soil of New England was established without the knowledge of the corporation, and without the aid of King James.

The reformation in England—an event which had been long and gradually prepared among the people by the opinions and followers of Wickliffe, and in the government by increasing and successful resistance to the usurpations of ecclesiastical jurisdiction—was at length abruptly established during the reign and in conformity with the passions of a despotic monarch. The acknowledgment of the right of private judgment,(3) far from being the cause of separation from Rome, was one of its latest fruits. Luther was more dogmatical than his opponents; though the deep philosophy with which his mind was imbued repelled the use of violence to effect conversion in religion.

He was wont to protest against propagating reform
1522. by persecution and massacres; and, with wise moderation, an admirable knowledge of human nature, a familiar and almost ludicrous quaintness of expression, he would deduce from his great principle of justification by faith alone the sublime doctrine of the freedom of conscience.(4) Yet Calvin, many years after, anxiously
1553. engaged in dispelling ancient superstitions, was still fearful of the results of sceptical reform, and in his opinions on heresy and its punishment, shared the unhappy error of his time.

(1) *Hi. Mass. Hist. Coll.* iii. 20.

(2) *Hi. Mass. Hist. Coll.* iii. 22. Smith, *N.* 262.

(3) Under Edward VI. intolerance sanctioned by law. See Rymer, xv. 162, 250, under Elizabeth. Rymer, xv. 740 and 741. Compare Lingard, vii. 226, 227. Hallam's *England*, i. 150, 181, 182, 183.

(4) *Nollem vi et cæde pro evangelio certari.* Compare the passages from Luther's Seven Sermons, delivered in March, 1522, at Wittenberg, quoted in Planck's *Geschichte des Protestantischen Lehrbegriffs*, ii. 60—72. *Summa summarum! Predigen will ich, sagen will ich, schreiben will ich, aber zwingen, dringen mit Gewalt will ich niemand; denn der Glaube will willig, ungenöthigt und ohne Zwang angenommen werden.* I have quoted these words, which are in harmony with Luther's doctrines and his works, as a reply to those who, like Turner, in his *History*, iii. 135, erroneously charge the great German reformer with favouring persecution.

In England, so far was the freedom of private inquiry from being recognized as a right, the means of forming a judgment on religious subjects was denied. The act of 1534. of supremacy, (1) which effectually severed the English nation from the Roman see, contained no clause favourable to religious liberty. It was but a vindication of the sovereign franchise of the English monarch against foreign interference; it did not aim at enfranchising the English church, far less the English people, or the English mind. The king of England became the pope in his own dominions, and heresy was still accounted the greatest of all crimes. (2) The right of correcting errors of religious faith became, by the suffrage of parliament, a branch of the royal prerogative; and, as active minds among the people were continually proposing new schemes of doctrine, a statute, alike arrogant in its pretensions and vindictive in its menaces, was, after great opposition in parliament, (3) enacted "for abolishing diversity of opinions." (4) All the Roman Catholic doctrines were asserted, except the supremacy of Rome. The pope could praise Henry VIII. for orthodoxy, while he excommunicated him for disobedience. He commended to the wavering emperor the English sovereign as a model for soundness of belief, and anathematized him only for contumacy. (5) It was Henry's pride to defy the authority of the Roman bishop, and yet to enforce the doctrines of the Roman church. He was as tenacious of his reputation for Catholic orthodoxy, as of his claim to spiritual dominion. He disdained submission, and detested heresy.

Nor was Henry VIII. slow to sustain his new prerogatives. He rejected the advice of the Commons, as of "brutes and inexpert folks,"—of men as unfit to advise him as "blind men are to judge of colours." (6) According to ancient usage, no sentence of death, awarded by the ecclesiastical courts, could be carried into effect until a writ had been obtained from the king. The regulation had been adopted in a spirit of mercy, securing to the tem-

(1) 25 Henry VIII. c. xix. xx. xxi. Statutes, iii. 466—471. 26 Henry VIII. c. i. lii. xlii. Statutes, iii. 492, 493—499, 508, 509. Lingard, iv. 266—270, and vi. 281—283.

(2) Henry, xii. 53. Turner, ii. 349—353. Mackintosh, ii. 147—150.

(3) Strype's Memorials, i. 342.

(4) 31 Henry VIII. c. xiv. Statutes, iii. 730—743. Lingard, vi. 338—360. Bossuet, Hist. des Variations, l. vii. c. xxiv.—xl. Henry, xii. 84.

(5) Fra Paolo, l. 82.

(6) Herbert's Henry VIII. 418, 419.

poral authorities the power of restraining persecution.(1) The heretic might appeal from the atrocity of the priest to the mercy of the sovereign. But now, what hope could remain, when the two authorities were united; and the law, which had been enacted as a protection of the subject, was become the powerful instrument of tyranny! The establishment of the English church under the king was inexorably sustained. No virtue, no eminence, conferred security. Not the forms of worship merely, but the minds of men, were declared subordinate to the government; faith, not less than ceremony, was to vary with the acts of parliament. Death was denounced against the Catholic who denied the king's supremacy, and the Protestant who doubted his creed. Had Luther been an Englishman, he might have perished by fire.(2) In the latter part of his life, Henry revoked the general permission of reading the Scriptures, and limited the privilege to merchants and nobles. He always adhered to his old religion;(3) he believed its most extravagant doctrines to the last, and died in the Roman rather than in the Protestant faith.(4) But the awakening intelligence of a great nation could not be terrified into a passive lethargy. The environs of the court displayed no resistance to the capricious monarch; a subservient parliament yielded him absolute authority in religion;(5) but the advancing genius of the age, even though it sometimes faltered in its progress along untried paths, steadily demanded the emancipation of the public mind.

The accession of Edward VI. led the way to the establishment of Protestantism in England, and, at the same time, gave life to the germs of the difference which was eventually to divide the English. A change in the reformation had already been effected among the Swiss, and especially at Geneva. Luther had based his reform upon the sublime but simple truth which lies at the basis of morals—the paramount value of character and purity of conscience: the superiority of right dispositions over ceremonial exactness; or, as he expressed it, justification by faith alone. But he hesitated to deny the real presence, and was indifferent to the observance of external

(1) Neal's Puritans, i. 55.

(2) Turner's England, iii. 140.

(3) Turner's England, ii. 352.

(4) Bossuet, *Hist. des Variations*, i. viii. c. iii. iv. and xxiv.—xl. Henry's *Great Britain*, xii. p. 107.

(5) 37 Henry VIII. c. xvii. Statutes, iii. 1009.

ceremonies. Calvin, with sterner dialectics, sanctioned by the influence of the purest life, and by his power as the ablest writer of his age, attacked the Roman doctrines respecting the communion, and esteemed as a commemoration the rite which the Catholics revered as a sacrifice. Luther acknowledged princes as his protectors, and, in the ceremonies of worship, favoured magnificence as an aid to devotion: Calvin was the guide of Swiss republics, and avoided, in their churches, all appeals to the senses as a crime against religion. Luther resisted the Roman church for its immorality; Calvin for its idolatry. Luther exposed the folly of superstition, ridiculed the hair-shirt and the scourge, the purchased indulgence, and the dearly-bought masses for the dead; Calvin shrunk from their criminality with impatient horror. Luther permitted the cross and the taper, pictures and images, as things of indifference; Calvin demanded a spiritual worship in its utmost purity.

The reign of Edward, giving safety to Protestants, soon brought to light that both sects of the reformed church existed in England. The one party, sustained by Cranmer, desired moderate reforms; the other, countenanced by the protector, were the implacable adversaries of the ceremonies of the Roman church. It was still attempted 1549-1852. to enforce (1) uniformity by menaces of persecution; but the most offensive of the Roman doctrines were expunged from the liturgy. The tendency of the public mind favoured a greater simplicity in the forms of devotion; the spirit of inquiry was active; not a rite of the established worship, not a point in church government, escaped unexamined; not a vestment nor a ceremony remained, of which the propriety had not been denied. The spirit of inquiry rebelled against prescription. A more complete reform was demanded; and the friends of the established liturgy expressed in the prayer-book itself a wish for its furtherance. (2) The party strongest in numbers pleaded expediency for retaining much that had been sanctioned by ancient usage; while abhorrence of superstition excited the other party to demand the boldest innovations. The austere principle was now announced, that not even a ceremony should be tolerated, unless it

(1) 2 and 3 Edward VI. c. i. Statutes, iv. 36—39. Rymer, xv. 181—183, and 250—252.

(2) Neal's Puritans, i. 121, Neal's New England, i. 51.

was enjoined by the Word of God. (1) And this was Puritanism. The church of England, at least in its ceremonial part, was established by an act of parliament, or a royal ordinance; Puritanism, zealous for independence, admitted no voucher but the Bible,—a fixed rule, which it would allow neither parliament, nor hierarchy, nor king, to interpret. The Puritans adhered to the established church as far as their interpretations of the Bible seemed to warrant,—but no further, not even in things of indifference. They would yield nothing in religion to the temporal sovereign; they would retain nothing that seemed a relic of the religion which they had renounced. They asserted the equality of the plebeian clergy, and directed their fiercest attacks against the divine right of bishops, as the only remaining strong-hold of superstition. In most of these views they were sustained by the reformers of the continent. Bucer and Peter Martyr (2) both complained of the backwardness of the reformation in England; Calvin wrote in the same strain. (3) When Hooper, who had gone into exile in the latter years of Henry VIII., was appointed Bishop of Gloucester, he, for a time, refused (4) to be consecrated in the vestments which the law required; and his refusal marks the era when the Puritans first existed as a separate party. They demanded a thorough reform; the established church desired to check the propensity to change. The strict party repelled all union with the Catholics; the politic party aimed at conciliating their compliance. The Churchmen, with, perhaps, a wise moderation, differed from the ancient forms as little as possible, and readily adopted the use of things indifferent: the Puritans could not sever themselves too widely from the Roman usages, and sought glaring occasions to display their antipathy. The surplice and the square cap, for several generations, remained things of importance, for they became the badges of a party. They were rejected as the livery of superstition—the outward sign, that prescription was to prevail over reason, and authority to control in-

(1) So Cartwright, a few years later, in his Reply to Whitgift, 27: "In matters of the church, there may be nothing done but by the word of God." In his Second Reply, 1578, p. 81: "It is not enough, that the Scripture speaketh not against them, unless it speak for them."

(2) Strype's Memorials, II. c. xxviii.

(3) Hallam's England, I. 146.

(4) Strype's Memorials, II. 236, and Repository, II. 116—122. Hallam, I. 241. Neal's Puritans, I. 108—112. Prince, 262—267. Prince has written with great diligence and distinctness.

quity. The unwilling use of them was evidence of religious servitude.

1553-1558. The reign of Mary involved both parties in danger, but they whose principles wholly refused communion with Rome were placed in the greatest peril. Rogers and Hooper, the first martyrs of Protestant England, were Puritans; and it may be remarked, that, while Cranmer, the head and founder of the English church, desired, almost to the last, by delays, recantations, and entreaties, to save himself from the horrid death to which he was doomed, the Puritan martyrs never sought, by concessions, to escape the flames. For them, compromise was itself apostasy. The offer of pardon could not induce Hooper to waver, nor the pains of a lingering death impair his fortitude. He suffered by a very slow fire, and at length died as quietly as a child in his bed.

A large part of the English clergy returned to their submission to the see of Rome; others firmly adhered to the reformation, which they had adopted from conviction; and very many who had taken advantage of the laws (1) of Edward sanctioning the marriage of the clergy, had, in their wives and children, given hostages for their fidelity to the Protestant cause. Multitudes, therefore, hurried into exile to escape the grasp of vindictive bigotry; but even in foreign lands, two parties among the emigrants were visible; and the sympathies of a common exile could not immediately eradicate the rancour of religious divisions. The one party (2) aimed at renewing abroad the forms of discipline which had been sanctioned by the English parliaments in the reign of Edward; the Puritans, on the contrary, endeavoured to sweeten exile by a complete emancipation from ceremonies which they had reluctantly observed. The sojourning in Frankfort was embittered by the anger of consequent divisions; but time, the great calmer of the human passions, softened the asperities of controversy; and a reconciliation of the two parties was prepared by concessions (3) to the Puritans. For the circumstances of their abode on the continent were well

(1) 2 and 3 Edward VI. c. xxi., 5 and 6 Edward VI. c. xii., in Statutes, iv. 67, and 146, 147. Strype's Memorials, iii. 106.

(2) Discourse of the Troubles in Frankfort.

(3) *Ibid.* edition of 1642, p. 160, 161, 162, 163: "We will joyne with you to be suitors for the reformation and abolishing of all offensive ceremonies." Prince, 287, 288. The documents refute the contrary opinion expressed by Hallam, *Const. Hist.* i. 233.

adapted to strengthen the influence of the stricter sect. While the companions of their exile had, with the most bitter intolerance, been rejected by Denmark and Northern Germany, (1) the English emigrants received in Switzerland the kindest welcome; their love for the rigorous austerity of a spiritual worship was confirmed by the stern simplicity of the republic; and some of them had enjoyed in Geneva the instructions and the friendship of Calvin.

On the death of Mary, the Puritans returned to 1558. England, with still stronger antipathies to the forms of worship and the vestures, which they now repelled as associated with the cruelties of Roman intolerance at home, and which they had seen so successfully rejected by the churches of Switzerland. The pledges which had been given at Frankfort and Geneva, to promote further reforms, were redeemed. (2) But the controversy did not remain a dispute about ceremonies; it was modified by the personal character of the English sovereign, and became identified with the political parties in the state. The first act of Parliament in the reign of Elizabeth declared the supremacy (3) of the crown in the state ecclesiastical; and the uniformity of common prayer was soon established under the severest penalties. (4) In these enactments, the common zeal to assert the Protestant ascendancy left out of sight the scruples of the Puritans.

The early associations of the younger daughter of Henry VIII. led her to respect the faith of the Catholics, and to love the magnificence of their worship. She publicly thanked one of her chaplains, who had asserted the real presence; and on a revision of the creed of the English church, the tenet of transubstantiation was no longer expressly rejected. To calm the fury of religious intolerance, let it be for ever remembered, that the Catholic doctrine of the Eucharist, which, by the statutes of the realm in the reign of Edward VI., Englishmen were punished for believing, and in that of Henry VIII. were burned at the stake for denying, was, in the reign of Elizabeth, left undecided, as a question of national indifference. She long struggled to retain images, the crucifix,

(1) Planck's *Geschichte des Protestantischen Lehrbegriffs*, b. v. t. ii. p. 35—45, and 69. (2) Prince, 298.

(3) 1 Elizabeth, c. i. Statutes, iv. 350—355. Hallam, i. 152. Mackintosh, iii. 45, 46.

(4) 1 Elizabeth, c. ii. Hallam, i. 153. Mackintosh, iii. 46, 47.

and tapers, in her private chapel; she was inclined to offer prayers to the Virgin; she favoured the invocation of saints.(1) She insisted upon the continuance of the celibacy of the clergy, and during her reign their marriages took place only by connivance.(2) For several years she desired and was able to conciliate the Catholics into a partial conformity.(3) The Puritans denounced concession to the Papists, even in things indifferent; but during the reign of her sister, Elizabeth had conformed in all things, and she still retained an attachment for many tenets that were deemed the most objectionable. Could she, then, favour the party of rigid reform?

Besides the influence of early education, the love of authority would not permit Elizabeth to cherish the new sect among Protestants—a sect which had risen in defiance of all ordinary powers of the world, and which could justify its existence only on a strong claim to natural liberty. The Catholics were friends to monarchy, if not to the monarch; they upheld the forms of regal government, if they were not friends to the person of the queen. But the Puritans were the harbingers of a revolution; the hierarchy charged them with seeking a popular state; and Elizabeth openly declared that they were more perilous than the Romanists. At a time when the readiest mode of reaching the minds of the common people was through the pulpit, and when the preachers would often speak with plainness and homely energy on all the events of the day, their claim to “the liberty of prophesying” was similar to the modern demand of the liberty of the press; and the free exercise of private judgment threatened not only to disturb the uniformity of the national worship, but to impair the royal authority and erect the dictates of conscience into a tribunal, before which sovereigns might be arraigned.(4) The Puritan clergy were fast becoming tribunes of the people, and the pulpit was the place for freedom of rebuke and discussion. The queen long desired to establish the national religion mid-way between sectarian licentiousness and Roman supremacy; and when her policy in religion was once declared, the pride of

(1) Burnett, part ii. b. iii. No. 6. Heylin, 124. Neal's Puritans, i. 191, 192. Mackintosh, iii. 161. Hume, c. xlv. Hallam, i. 124.

(2) Neal's Puritans, i. 205, 206. Strype's Parker, 107.

(3) Southey's Book of the Church, i. 257, 258.

(4) Cartwright's Second Reply, 158—170. Hallam, i. 234.

authority would brook no opposition. By degrees she occupied politically the position of the head of Protestantism; Catholic sovereigns conspired against her kingdom; the convocation of cardinals proposed measures for her deposition; the pope, in his excommunications, urged her subjects to rebellions. Then it was, that, as the Roman Catholics were no longer treated with forbearance, so the queen, struggling, from regard to her safety, to preserve unity among her friends, hated the Puritans, as mutineers in the camp.

The popular voice was not favourable to a rigorous enforcement of the ceremonies. In the first Protestant convocation of the clergy under Elizabeth, though the square cap and the surplice found in the queen a resolute friend, and though there were in the assembly many, who, at heart, preferred the old religion, the proposition to abolish a part of the ceremonies was lost in the lower house by the majority of a single vote.⁽¹⁾ Nearly nine years passed away before the thirty-nine articles, which

were then adopted, were confirmed by parliament;^{1563.} and the act by which they were finally established required assent to those articles only which concern the confession of faith and the doctrine of the sacraments⁽²⁾ — a limitation which the Puritans interpreted in their favour.

The House of Commons often displayed an earnest zeal for a further reformation; ^{1565.} and its active interference was prevented only by the authority of the queen.

When rigorous orders for enforcing conformity were first issued,⁽⁴⁾ the Puritans were rather excited to defiance than intimidated. Of the London ministers, about thirty refused subscription,⁽⁵⁾ and men began to speak openly of a secession from the church.⁽⁶⁾ At length a separate

(1) Strype's Annals, i. 338, 339. Hallam, i. 238. Prince, 299—303.

(2) Strype's Annals, ii. 71.

(3) Prince, 306.

(4) Strype's Annals, i. 460, 461. Appendix to Strype's Parker, b. ii. do. 24.

(5) Strype's Annals, i. 463.

(6) Grindall, in Prince. Cartwright's Second Reply, p. 38: "Not for hatred to the estates of the church of England, but for love to a better." How little the early Puritans knew of the true results of their doctrines of independence of the state in religious matters, is evident from such passages as these, from Cartwright's Second Reply: "Merethys ought to be put to breathe nowe. If this be blowdie, and extreme, I am contente to be so counted with the holie Goste." P. 115: "I denie that uppon repentance ther ought to followe any pardon of drathe." P. 116: "The magistrates whiche punish murder and are lose in punishing the breaches of the first table begonne at the wrong end." P. 117, the writer continues, displaying intense and consistent bigotry.

congregation was formed; immediately the government was alarmed; and the leading men and several women were sent to Bridewell for a year.⁽¹⁾ In vain did some of the best English statesmen of the day favour moderation. Grindall had so sincere a reluctance to persecute, that he was himself charged with secretly favouring Puritanism. The temper of the times is marked by his reply. He denied the charge, not as a falsehood
 1574. only, but as a calumny, declaring that "some incarnate, never-sleeping devil had wrought him this wrong." The charge of lenity he repelled as a slander on his office; and claimed sincerity in persecution as essential to
 1575. his good name.⁽²⁾ He succeeded in becoming archbishop. Yet Grindall was by nature averse to violence, and when placed at the head of the English clergy,
 1583. continued till his death to merit the censure of forbearance.

The Puritans, as a body, had avoided a separation
 1581. from the church. They had desired a reform, and not a schism. When, by espousing a party, a man puts a halter round his neck, and is thrust out from the career of public honour, it may be the rash, the least cautious, and, therefore, the least persevering, who will be the first to display their opinions. So it was in the party of the Puritans. There began to grow up among them a class of men who carried opposition to the Church of England to the extreme, and refused to hold communion with a church of which they condemned the ceremonies and the government. Henry VIII. had enfranchised the English crown; Elizabeth had enfranchised the Anglican church; the Puritans claimed equality for the plebeian clergy; the Independents asserted the liberty of each individual mind to discover "truth in the word of God." The reformation had begun in England with the monarch; had extended among the nobility; had been developed under the guidance of a hierarchy; and had but slowly penetrated the masses. The party of the Independents was plebeian in its origin, and carried the principle of intellectual enfranchisement from authority into the houses of the common people. Its adherents were "neither gentry

(1) *Strype's Parker*, 242. *Strype's Grindall*, 114, 115.

(2) *Murdin's State Papers*, 275, in *Mackintosh's Continuator*, iii. 261. *Had Prince seen this letter, he would hardly have called Grindall a Puritan. See Prince*, 298.

nor beggars." The most noisy advocate of the new opinion was Brown, a man of rashness, possessing neither true courage nor constancy; zealous, but fickle; dogmatical, but shallow. He has acquired historical notoriety, because his hot-headed indiscretion urged him to undertake the defence of separation. He suffered much oppression; he was often imprisoned; he was finally compelled to go into exile. The congregation which he had gathered, and which banished itself with him, was composed of persons hasty and unstable like himself; it was soon dispersed by its own dissensions. Brown eventually purchased a living in the English church by conformity.⁽¹⁾ He could sacrifice his own reputation; "he forsook the Lord, so the Lord forsook him."⁽²⁾ The principles of which the intrepid assertion had alone given him distinction, lay deeply rooted in the public mind; and as they had not derived life from his support, they did not suffer from his apostasy.

From this time there was a division among the opponents of the church of England. The Puritans acknowledged its merits, but desired its reform; the Separatists denounced it as an idolatrous institution, false to Christianity and to truth: the Puritans considered it as the temple of God, in which they were to worship, though its altars might need purification; the Separatists regarded the truths which it might profess, as holy things in the custody of the profane, the Ark of the Lord in the hands of Philistines. The enmity between the divisions of the party eventually became bitter. The Puritans reproached the Brownists with ill-advised precipitancy, and in return were censured for paltering cowardice. The one party abhorred the ceremonies which were a bequest of Popery; the other party reprobated the Establishment itself. The Puritans desired to amend; the Brownists, to destroy and rebuild. The feud became bitter in England, and eventually led to great political results; but the controversy could not be continued beyond the Atlantic, for it required to be nourished by the presence of the hierarchy.

The accession of Whitgift marks the epoch of extreme

(1) Fuller's Church History, b. ix. 167, 168, 169. Neal's Puritans, i. 376—378.

(2) John Robinson's Justification of Separation, 54—a tract of great merit, containing doctrines which necessarily led to the assertion of "the freedom of conscience." I use the copy which once belonged to William Bradford, and which is now in the library of Robinson's church.

and consistent rigour in the public councils: for the new archbishop was sincerely attached to the English church, and from a regard to religion, enforced the conformity which the queen desired as the best support of her power. He was a strict disciplinarian, and wished to govern the clergy of the realm as he would rule the members of a college. Subscriptions were now required to points which before had been eluded; (1) the kingdom rung with the complaints for deprivation; the most learned and diligent of the ministry (2) were driven from their places; and those who were introduced to read the liturgy were so ignorant, that few of them could preach. Did men listen to their deprived pastors in the recesses of forests, the offence, if discovered, was visited by fines and imprisonment. A court of high commission was established for the detection and punishment of non-conformity, and was invested with powers as arbitrary as those of the Spanish inquisitors. (3) Men were obliged to answer, on oath, every question proposed, either against others or against themselves. In vain did the sufferers murmur; in vain did parliament disapprove the commission, which was alike illegal and arbitrary; in vain did Burleigh remonstrate against a system so intolerant, that "the inquisitors of Spain used not so many questions to trap their preys." (4) The archbishop would have deemed forbearance a weakness: and the queen was ready to interpret any freedom in religion as a treasonable denial of her supremacy. Two men were hanged for distributing Brown's tract on the liberty of prophesying; (5) that is, a tract on the liberty of the pulpit.

The party thus persecuted were the most efficient opponents of Popery. "The Puritans," said Burleigh, "are over squeamish and nice, yet their careful catechising and diligent preaching lessen and diminish the Papistical numbers." (6) But for the Puritans, the old religion would have retained the affections of the multitude. If Elizabeth reformed the court,—the ministers, whom she persecuted,

(1) Neal's Puritans, i. 396.

(2) Hallam's England, i. 270.

(3) Strype's Annals, iii. 180. Hallam's England, i. 271—273. Rymer, xvi. 291—297, June 15, 1596, and 546—551, August 26, 1603. Mackintosh, iii. 261, 262. Lingard, vii. 266.

(4) Burleigh, in Strype's Whitgift, 157.

(5) Strype's Annals, iii. 186. Fuller's Church History, b. ix. 169.

(6) Somers's Tracts, fourth collection, i. 123.

reformed the commons. That the English people became Protestant, is due to the Puritans. How, then, could the party be subdued? The spirit of brave and conscientious men cannot be broken. No part is left but to tolerate or destroy. Extermination could alone produce conformity.

In a few years, it was said in parliament, that there ^{1593.} were in England twenty thousand of those who frequented conventicles.(1) It was proposed to banish them, as the Moors had been banished from Spain, and as the Huguenots were afterwards driven from France. This measure was not adopted; but a law of savage ferocity, ordering those, who, for a month, should be absent from the English service, to be interrogated as to their belief, menaced the obstinate non-conformists with exile or with death.(2)

Holland offered an asylum against the bitter severity of this statute. A religious society, founded by the Independents at Amsterdam, continued to exist for a century, and served as a point of hope for the exiles; while, through the influence of Whitgift, in England, Barrow and Greenwood, men of unimpeached loyalty, were selected as examples, and hanged at Tyburn for their opinions.(3)

Th queen repented that she had sanctioned the execution. Her age, and the prospect of favour to Puritanism from her successor, conspired to check the spirit of persecution. The leaders of the church became more prudent, and by degrees bitterness subsided. The Independents had, it is true, been nearly exterminated: but the number of the non-conforming clergy, after forty years of molestation, had increased; their popularity was more deeply rooted, and their enmity to the established order was irconcilable. Their followers already constituted a powerful political party; inquired into the nature of government, in parliament opposed monopolies, limited the royal prerogatives, and demanded a reform of ecclesiastical abuses. "The precious spark of liberty," says an historian who was never accused of favouring the Puritans, "had been kindled and was preserved by the Puritans alone."

(1) D'Ewes's Jour. 517. Strype's Whitgift, 417. Neal's Puritans, i. 516.

(2) 35 Eliz. c. 1. Stat. iv. 841-843. Parl. Hist. 863. Neal's Puritans, i. 513-515. Neal's New England, i. 60.

(3) Strype's Whitgift, 414, &c. Neal's Puritans, i. 526, 527. Rogers Williams's Truth and Peace, 237.

Popular liberty, which used to animate its friends by appeals to the examples of ancient republics, now listened to a voice from the grave of Wickliffe, from the ashes of Huss, from the vigils of Calvin. Victorious over her foreign enemies, Elizabeth never could crush the religious sect, of which the increase seemed dangerous to the state. Her career was full of glory abroad; it was unsuccessful against the progress of opinion at home. In the latter years of her reign, her popularity declined; and her death was the occasion of little regret. "In four days she was forgotten." (1) The multitude, fond of change, welcomed her successor with shouts; but when the character of that successor was better known, they persuaded themselves that they had revered Elizabeth to the last, and that her death had been honoured by inconsolable grief.

The accession of King James would, it was believed, introduce a milder system; and the Puritans might hope even for favour. But the personal character of the new monarch could not inspire confidence.

The pupil of Buchanan was not destitute of learning, nor unskilled in rhetoric. Protected from profligate debauchery by the austerity of public morals in Scotland, and incapable of acting the part of a statesman, he had aimed at the reputation of a "most learned clerk," and had been so successful, that Bacon, (2) with equivocal flattery, pronounced him incomparable for learning among kings; and Sully, who knew him well, esteemed him the wisest fool in Europe.—The man of letters, who possesses wealth without the capacity for active virtue, often learns to indulge in the vacancy of contemplative enjoyments, and, slumbering on his post, abandons himself to pleasant dreams. This is the euthanasia of his honour. The reputation of King James was lost more ignobly. At the mature age of thirty six he ascended the throne of England; and, for the first time acquiring the opportunity of displaying the worthlessness of his character, he exulted in the freedom of self-indulgence,—in idleness and gluttony. The French ambassador despised him for his frivolous amusements; (3) gross licentiousness in his vicinity was unimproved; and the manners of the palace became so

(1) *Carte's England*, iii. 707.

(2) *Bacon's Works*, iv. 436.

(3) *Lingard's England*, ix. 107.

coarsely profligate, that even the women of his court reeled in his presence in a state of disgusting inebriety.(1)

The life of James, as a monarch, was full of meannesses. Personal beauty became the qualification of a minister of state. The interests of England were sacrificed, that his son might marry the daughter of a powerful king. His passions were as feeble as his will. His egregious vanity desired perpetual flattery; and no hyperboles excited his distrust. He boasted that England, even in the days of Elizabeth, had been governed by his influence: by proclamation, he forbade the people to talk of state affairs;(2) and in reply to the complaints of his commons, he insisted that he was and would be the father of their country.(3)

Dissimulation is the vice of those who have neither true judgment nor courage. King James, from his imbecility, was false; and sometimes vindicated his falsehood, as though deception and cunning had been worthy of a king. But he was an awkward liar, rather than a crafty dissembler.(4) He could, before parliament, call God to witness his sincerity, when he was already resolved on being insincere. His cowardice was such, that he feigned a fondness for Carr, whose arrest for murder he had secretly ordered. He was afraid of his wife; could be governed by being overawed; and was easily intimidated by the vulgar insolence of Buckingham.(5) In Scotland, he solemnly declared his attachment(6) to the Puritan discipline and doctrines; but it was from his fear of open resistance. The pusillanimous man assents from cowardice, and recovers boldness with the assurance of impunity.

Demonology was a favourite topic with King James. He demonstrated with erudition the reality of witchcraft; through his solicitation it was made, by statute, a capital offence; he could tell "why the devil doth work more with auncient women than with others;" and hardly a year of his reign went by, but some helpless crone perished on the gallows, to satisfy the vanity and confirm the dialectics of the royal author.

(1) Harrington's *Nugæ Antiquæ*, i. 348—350.

(2) Rapin's *England*, ii. 202. Sully's *Memoirs*, i. xv.

(3) Cobbett's *Parl. Hist.* v. i. p. 1504.

(4) Hallam's *England*, i. 404.

(5) Clarendon's *Rebellion*, i. 16. Hume, c. xlix.

(6) Calderwood's *Church of Scotland*, 286.

King James was sincerely attached to Protestantism. (1) He prided himself on his skill in theological learning, and challenged the praise of Europe as a subtle controversialist. With the whole force of English diplomacy, he suggested the propriety of burning an Arminian professor of Holland, (2) while he, at the same time, refuted the errors of the heretic in a harmless tract. He indulged his vanity in a public discussion; and, when the argument was over, procured himself the gratification of burning his opponent at the stake. (3) His mind had been early and deeply imbued with the doctrines of Calvinism; but he loved arbitrary power better than the tenets of Knox; and, when the Arminians in England favoured royalty, King James became an Arminian. He steadily adhered to his love of flattery and his love of ease; but he had no fixed principles of conduct or belief.

Such was the King of England, at a period when the limits of royal authority were not as yet clearly defined. Such was the man to whose decision the Puritans must refer the consideration of their claims. Would he be faithful to the principles in which he had been educated? He had called the church of Scotland "the sincerest kirk of the world;" he had censured the service of England as "an evil-said mass." (4) Would he retain for Puritans the favour which he had promised?

There were not wanting statesmen whose more profound philosophy favoured a liberal toleration, Lord Bacon, in whose vigorous mind the truths of political wisdom had been sown by Burleigh in deep furrows, cherished the established worship, and yet advised concessions, (5) regarding the church as the eye of England, in which there might yet be a blemish. The divisions in religion seemed to him a less evil than the violent measures of prevention. The wound, said he, is not dangerous, unless we poison it with our remedies.—The wrongs of the Puritans may hardly be dissembled or excused.—The silencing of ministers, for the sake of enforcing the ceremonies, is, in

(1) Bentivoglio, *Relazione di Fiandra*, parte ii. c. iii. Op. Storiche, i. 206, 207.

(2) Winwood's Memorials, iii. 290, 293, 295, 296, 316, 339, 357, and other places. Rapin's England, ii. 179, 180.

(3) Lingard's England, ix. 217, 218. Prince, 127.

(4) Calderwood, 286, year 1590.

(5) Bacon's Works, ii. 541. Hume, in Appendix to James I. and Graham, i. 253, charge Bacon with intolerance: as I think, most unjustly.

this scarcity of good preachers, a punishment that lighteth upon the people.—The bishops should keep one eye open, to look upon the good that those men do.—On subjects of religion, he says of himself, he was always for moderate counsels.(1) Nor did he fear inquiry; for he esteemed controversy “the wind by which truth is winnowed.”

But what relation could subsist between such philosophy and the selfish arrogance of King James? The tolerant views of Bacon were disregarded in his own time; like L'Hopital and Grotius, he scattered the seeds of truth, which were not to ripen till a late generation. The English hierarchy had feared, in the new monarch, the approach of a “Scottish mist;” but apprehension was soon dispelled.(2) The borders of Scotland were hardly passed before James began to identify the interests of the English church with those of his prerogative. “No bishop, no king” was a maxim often in his mouth. Whitgift was aware that the Puritans were too numerous to be borne down; “I have not been greatly quiet in mind,” said the disappointed archbishop, “the vipers are so many.” But James was not as yet fully conscious of their strength. While he was in his progress to London, more than seven hundred of them presented the “millenary petition” for a redress of ecclesiastical grievances.(3) He was never disposed to favour the Puritans; but a decent respect for the party to which he had belonged, joined to a desire of displaying his talents for theological debate, induced him to appoint a conference at Hampton Court.

The conference was distinguished on the part of 1604. the king by a strenuous vindication of the church of England. Refusing to discuss the question of the power of the church in things indifferent, he substituted authority for argument, and where he could not produce conviction, demanded obedience. “I will have none of that liberty as to ceremonies; I will have one doctrine, one discipline, one religion in substance and in ceremony.

(1) Bacon, *Of Church Controversies. Of the Pacification of the Church*, first published in 1604. *Apothegms. Works*, ii. 516, 541, 517, 462.

(2) Neal's *Puritans*, ii. 30.

(3) *Hume's England*, c. xlv. Neal's *Puritans*, ii. 31, 32.

Never speak more to that point, how far you are bound to obey." (1)

The Puritans desired permission occasionally to assemble, and at their meetings to have the liberty of free discussions; but the king, prompt to discover that concessions in religion would be followed by greater political liberty, interrupted the petition:—"You are aiming at a Scot's presbytery, which agrees with monarchy as well as God and the devil. Then Jack, and Tom, and Will, and Dick, shall meet, and at their pleasures censure me and my council and all our proceedings. Then Will shall stand up and say, It must be thus; then Dick shall reply and say, Nay, marry, but we will have it thus; and therefore, here I must once more reiterate my former speech, and say, *Le roi s'avisera*; the king alone shall decide." (2) Turning to the bishops, he avowed his belief, that the hierarchy was the firmest support of the throne. Of the Puritans he added—"I will make them conform, or I will harry them out of the land, or else worse," (3) "only hang them; that's all." This closed the day's debate.

On the last day of the conference, the king defended the necessity of subscription, concluding that, "if any would not be quiet and show their obedience, they were worthy to be hanged." The high commission and the use of inquisitorial oaths equally found in him an advocate. He argued for despotic authority and its instruments. (4) A few alterations in the book of common prayer were the only reforms which the conference effected. It was agreed that a time should be set, within which all should conform; if any refused to yield before it expired, they were to be removed. (5) The king had insulted the Puritans with vulgar rudeness and indecorous jests; (6) but his self-complacency was satisfied. He had talked much Latin; (7) he had spoken a part of the time in the presence of the nobility of Scotland and England, willing admirers of his skill in debate and of his marvellous learning; and he

(1) Barlow's Sum and Substance of the Conf. at Hampton Court, 71. I chiefly follow this account, which I find in the New England Library of Prince, though more favourable to the king and bishops than they deserved. Hallam, i. 404. See *Nugæ Antiquæ*, i. 180, 181, 182, for an account more disgraceful to James. Yet Harrington was a friend to the church.

(2) Barlow, 79. Neal's Puritans, ii. 43, 44. Lingard, ix. 30. Hume, c. xlv.

(3) Barlow, 83.

(4) *Ibid.* 90-92.

(5) *Ibid.* 101.

(6) Neal's Puritans, ii. 45.

(7) *Nugæ Antiquæ*, i. 181. Montague, in Winwood, iii. 13-16.

was elated by the eulogies of the churchmen, who paid full tribute to the vanity of their royal champion. "Your majesty speaks by the special assistance of God's spirit," said the aged Whitgift. Bishop Bancroft, on his knees, exclaimed, that his heart melted for joy, "because God had given England such a king as, since Christ's time, has not been;" (1) and, in a foolish letter, James boasted that "he had soundly peppered off the Puritans." (2)

Whitgift, the archbishop, a man of great consistency of character, estimable for his learning, respected and beloved by his party, did not long survive the conference. He earnestly desired not to live till the next parliament should assemble, for the Puritans would have the majority; and grief, (3) it is thought, hastened his death, six weeks after the close of the conference, and only eleven months after the death of Elizabeth.

In the parliament, which soon assembled, the party opposed to the church asserted their liberties with such tenacity and vigour, that King James began to hate them as imbittering royalty itself. "I had rather live like a hermit in the forest," he writes, "than be a king over such a people as the pack of Puritans are, that overrules the lower house." (4) At the opening of the session, he had in vain pursued the policy of attempting a union between the old religion and the English church, and had offered "to meet the Catholics in the mid-way," while he had added, that "the sect of Puritans is insufferable in any well-governed commonwealth." (5) It was equally in vain, that, at the next session of parliament, he expressed himself with more vindictive decision; declaring the Roman Catholics to be faithful subjects, but expressing detestation of the Puritans, as worthy of fire for their opinions. (6) The commons of England resolutely favoured the sect which was their natural ally in the struggle against despotism.

Far different was the spirit which actuated the convocation of the clergy. They were very ready to decree against obstinate Puritans, excommunication, and all its

(1) Barlow, 93, 94. Lingard, ix. 32. Neal's Puritans, ii. 45.

(2) Strype's Whitgift, App. 239.

(3) Fuller's Chh. Hist. b.

(4) Hallam, i. 408—420, especially the letter at 419. Note.

(5) Neal's Puritans, ii. 51, 52. Rapin, ii. 165, 166.

(6) Prince, 111. Neal, ii. 52.

consequences.(1) Bancroft, the successor of Whitgift, required(2) conformity with unrelenting rigour; King 1604. James issued a proclamation (3) of equal severity; and it is asserted,(4) perhaps with considerable exaggeration, yet by those who had opportunities of judging 1605. rightly, that, in the year 1604 alone, three hundred Puritan ministers were silenced, imprisoned, or exiled. But the oppressed party was neither intimidated nor weakened; the moderate men, who assented to external ceremonies as to things indifferent, were unwilling to enforce them by merciless cruelty; and they resisted not the square cap and the surplice, but the compulsory imposition of them. Yet the clergy proceeded with a consistent disregard of the national liberties. The importation of foreign books was impeded; and a severe censorship of the press was exercised by the bishops. Frivolous acts were denounced as ecclesiastical offences. A later 1606. convocation, in a series of canons,(5) denied every doctrine of popular rights, asserting the superiority of the king to the parliament and the laws, and admitting, in their zeal for absolute monarchy, no exception to the duty of passive obedience. Thus the opponents of the church became the sole guardians of popular liberty; the lines of the contending parties were distinctly drawn; the established church and the monarch, on the one side, were arrayed against the Puritan clergy and the people. A war of opinion began; immediate success was obtained by the established authority; but the contest would be transmitted to the next generation. Would victory ultimately belong to the Churchmen or to the Puritans? to the monarch or to the people? The interests of human freedom were at issue on the contest.

Towards the close of the reign of Elizabeth, "a poor people" in the north of England, in towns and villages of Nottinghamshire, Lincolnshire, and the borders of Yorkshire, "became enlightened by the word of God;" and, as "presently they were both scoffed and scorned by the profane multitude, and their ministers urged with the

(1) Constitution and Canons Ecclesiastical; Neal, ii. 57—60. Prince, 107, 108.

(2) Bancroft, in Neal, ii. 67.

(3) Prince, 109. See the Canons.

(4) Calderwood, in Neal's N. E. l. 73. Compare a note in Neal's Puritans, ii. 64.

(5) Bishop Overall's Convocation Book (not printed till 1690).

yoke of subscription," they, by the increase of troubles, were led "to see further," that not only "the beggarly ceremonies were monuments of idolatry," but also "that the lordly power of the prelates ought not to be submitted to." Many of them, therefore, "whose hearts the Lord had touched with heavenly zeal for his truth," resolved, "whatever it might cost them, to shake off the anti-Christian bondage, and, as the Lord's free people, to join themselves by a covenant into a church estate in the fellowship of the gospel." Of the same faith with Calvin, heedless of acts of parliament, they rejected "the offices and callings, the courts and canons," of bishops, and, renouncing all obedience to human authority, asserted for themselves an unlimited and never-ending right to make advances in truth, and "to walk in all the ways which God had made known or should make known to them."

The reformed church, having for its pastor John Robinson, "a man not easily to be paralleled," were "beset and watched night and day by the agents of prelacy. For about a year, they kept their meetings every Sabbath, in one place or another, exercising the worship of God among themselves, notwithstanding all the diligence and malice of their adversaries." But, as the humane ever decline^{1607.} to enforce the laws dictated by bigotry, the office devolves on the fanatic or the savage. Hence the severity of their execution usually surpasses the intention of their authors; and the peaceful members of "the poor, persecuted flock of Christ," despairing of rest in England, resolved to seek safety in exile.

Holland, in its controversy with Spain, had displayed republican virtues, and, in the reformation of its churches, had imitated the discipline of Calvin. England had been its ally in its greatest dangers; the States, at one time, had almost become a part of the English dominions: the "cautionary" towns were still garrisoned by English regiments, some of which were friendly to the separatists; and William Brewster, afterwards ruling elder of the church, had himself served as a diplomatist in the Low Countries. Thus the emigrants were attracted to Holland, "where, they heard, was freedom of religion for all men."

The departure from England was effected with much suffering and hazard. The first attempt was prevented; but the magistrates checked the ferocity of the subordi-

nate officers ; and, after a month's arrest of the whole company, seven only of the principal men were detained a little longer in prison.

The next spring, the design was renewed. As if ^{1608.} it had been a crime to escape from persecution, an unfrequented heath in Lincolnshire, near the mouth of the Humber, was the place of secret meeting. Just as a boat was bearing a part of the emigrants to their ship, a company of horsemen appeared in pursuit, and seized on the helpless women and children who had not yet adventured on the surf. "Pitiful it was to see the heavy case of these poor women in distress ; what weeping and crying on every side." But when they were apprehended, it seemed impossible to punish and imprison wives and children for no other crime than that they would go with their husbands and fathers. They could not be sent home, for "they had no homes to go to ;" so that, at last, the magistrates were "glad to be rid of them on any terms," "though, in the meantime, they, poor souls, endured misery enough." Such was the flight of Robinson and Brewster, and their followers, from the land of their fathers.

Their arrival in Amsterdam was but the beginning of their wanderings. "They knew they were PILGRIMS, and looked not much on those things, but lifted up their eyes to heaven, their dearest country, and quieted their spirits." ^{1609.} Soon removing to Leyden, "they saw poverty coming on them like an armed man ;" but, being "careful to keep their word, and painful and diligent in their callings," they attained "a comfortable condition, grew in the gifts and grace of the Spirit of God, and lived together in peace and love and holiness." "Never," said the magistrates of the city, "never did we have any suit or accusation against any of them ;" and, but for fear of offending King James, they would have met with public favour. "Many came there from different parts of England, so as they grew a great congregation." "Such was the humble zeal and fervent love of this people towards God and his ways, and their single-heartedness and sincere affection one towards another," that they seemed to come surpassingly near "the primitive pattern of the first churches." A clear and well-written apology of their discipline was published by Robinson, who also, *in the controversy on free-will, as the champion of ortho-*

doxy, "began to be terrible to the Arminians," and disputed in the university with such power, that, as his friends assert, "the truth had a famous victory."

1617. The career of maritime discovery had, meantime, been pursued with daring intrepidity, and rewarded with brilliant success. The voyages of Gosnold, and Smith, and Hudson; the enterprise of Raleigh, and Delaware, and Gorges; the compilations of Eden, and Willes, and Hakluyt,—had filled the commercial world with wonder; Calvinists of the French Church had already sought, though vainly, to plant themselves in Brazil, in Carolina, and, with De Monts, in Acadia; while weighty reasons, often and seriously discussed, inclined the Pilgrims to change their abode. They had been bred to the pursuits of husbandry, and in Holland they were compelled to learn mechanical trades; Brewster became a printer; Bradford, who had been educated as a farmer, learned the art of dyeing silk. The language of the Dutch never became pleasantly familiar, and their manners still less so. They lived but as men in exile. Many of their English friends would not come to them, or departed from them weeping. "Their continual labours, with other crosses and sorrows, left them in danger to scatter or sink." "Their children, sharing their parents' burdens, bowed under the weight, and were becoming decrepit in early youth." Conscious of ability to act a higher part in the great drama of humanity, they were moved by "a hope and inward zeal of advancing the gospel of the kingdom of Christ in the remote parts of the New World; yea, though they should be but as stepping-stones unto others for performing so great a work."

"Upon their talk of removing, sundry of the Dutch would have them go under them, and made them large offers;" but the Pilgrims were attached to their nationality as Englishmen, and to the language of their line. A secret but deeply-seated love of their country led them to the generous purpose of recovering the protection of England by enlarging her dominions. They were "restless" with the desire to live once more under the government of their native land.

And whither should they go to acquire a province for King James? The beautiful fertility and immeasurable wealth of Guiana had been painted in dazzling colours by the brilliant eloquence of Raleigh; but the terrors of the

tropical climate, the wavering pretensions of England to the soil, and the proximity of bigotted Catholics, led them rather to look towards "the most northern parts of Virginia," hoping, under the general government of that province, "to live in a distinct body by themselves." To obtain the consent of the London company, John Carver, with Robert Cushman, repaired to England. They "found God going along with them;" and, through the influence of "Sir Edwin Sandys, a religious gentleman then living," a patent might at once have been taken, had not the envoys desired first to consult "the multitude" at Leyden. In December, 1617, the Pilgrims transmitted their request, signed by the hands of the greatest part of the congregation. "We are well weaned," added Robinson and Brewster, "from the delicate milk of our mother country, and inured to the difficulties of a strange land; the people are industrious and frugal. We are knit together as a body in a most sacred covenant of the Lord, of the violation whereof we make great conscience, and by virtue whereof we hold ourselves straitly tied to all care of each other's good, and of the whole. It is not with us as with men whom small things can discourage."

The messengers of the Pilgrims, confiding in the 1618. Virginia company, petitioned the king for liberty of religion, to be confirmed under the king's broad seal. "Who shall make your ministers?" it was asked of them; and they answered, "The power of making them is in the church;" ordination required no bishop; and their avowal of their principle threatened to spoil all. To advance the dominions of England King James esteemed "a good and honest motion; and fishing was an honest trade, the apostles' own calling;" yet he referred the suit to the prelates of Canterbury and London. Even while the negotiations were pending, a royal declaration constrained the Puritans of Lancashire to conform or leave the kingdom; and nothing more could be obtained for the wilds of America than an informal promise of neglect. On this the community relied, being advised not to entangle themselves with the bishops. "If there should afterwards be a purpose to wrong us,"—thus they communed with themselves,—"though we had a seal as broad as the house-floor, there would be means enough found to recall or reverse it."

The dissensions in the Virginia company occasioned

further delay. At last, in 1619, its members, in their open court, writes one of the Pilgrims, "demanded our ends of going; which, being related, they said the thing was of God, and granted a large patent." Being taken in the name of one who failed to accompany the expedition, the patent was never of the least service.

One more negotiation remained to be completed. The Pilgrims were not possessed of sufficient capital for the execution of their schemes. The confidence in wealth to be derived from fisheries had made American expeditions a subject of consideration with English merchants, and the agents from Leyden were able to form a partnership between their employers and men of business in London. The services of each emigrant were rated as a capital of ten pounds, and belonged to the company; all profits were to be reserved till the end of seven years, when the whole amount, and all houses and land, gardens and fields, were to be divided among the shareholders according to their respective interests. The London merchant, who risked one hundred pounds, would receive for his money tenfold more than the penniless labourer for his entire services. This arrangement threatened a seven years' check to the pecuniary prosperity of the community; yet, as it did not interfere with civil rights or religion, it did not intimidate the resolved.

And now the English at Leyden, trusting in God and in themselves, made ready for their departure. The ships which they had provided—the *Speedwell*, of sixty tons, the *Mayflower*, of one hundred and eighty tons—could hold but a minority of the congregation; and Robinson was therefore detained at Leyden, while Brewster, the governing elder, who was also able as a teacher, conducted "such of the youngest and strongest as freely offered themselves." Every enterprise of the Pilgrims began from God. A solemn fast was held. "Let us seek of God," said they, "a right way for us, and for our little ones, and for all our substance." Anticipating their high destiny, and the sublime doctrines of liberty that would grow out of the principles on which their religious tenets were established, Robinson gave them a farewell, breathing a freedom of opinion and an independence of authority, such as then were hardly known in the world.

"I charge you, before God and his blessed angels, that you follow me no further than you have seen me follow

the Lord Jesus Christ. The Lord has more truth yet to break forth out of his holy word. I cannot sufficiently bewail the condition of the reformed churches, who are come to a period in religion, and will go at present no further than the instruments of their reformation.—Luther and Calvin were great and shining lights in their times, yet they penetrated not into the whole counsel of God.—I beseech you, remember it,—’tis an article of your church covenant,—that you be ready to receive whatever truth shall be made known to you from the written word of God.”

“When the ship was ready to carry us away,” writes Edward Winslow, “the brethren that stayed at Leyden, having again solemnly sought the Lord with us and for us, feasted us that were to go at our pastor’s house, being large, where we refreshed ourselves, after tears, with singing of psalms, making joyful melody in our hearts as well as with the voice, there being many of the congregation very expert in music; and indeed it was the sweetest melody that ever mine ears heard. After this they accompanied us to Delft-Haven, where we went to embark, and then feasted us again; and, after prayer performed by our pastor, when a flood of tears was poured out, they accompanied us to the ship, but were not able to speak one to another for the abundance of sorrow to part. But we only, going aboard, gave them a volley of small shot and three pieces of ordnance; and so, lifting up our hands to each other, and our hearts for each other to the Lord our God, we departed.” A prosperous wind soon wafts the vessel to Southampton, and, in a fortnight, the *Mayflower* and the *Speedwell*, freighted with the first colony of New England, leave Southampton for America. But they had not gone far upon the Atlantic before the smaller vessel was found to need repairs, and they entered the port of Dartmouth. After the lapse of eight precious days they again weigh anchor; the coast of England recedes; already they are unfurling their sails upon the broad ocean, when the captain of the *Speedwell*, with his company, dismayed at the dangers of the enterprise, once more pretends that his ship is too weak for the service. They put back to Plymouth, “and agree to dismiss her, and those who are willing return to London, though this was very grievous and discouraging.” Having thus winnowed their numbers, the little band, not of resolute men only, but wives, some

far gone in pregnancy, children, infants, a floating village, yet in all but one hundred souls, went on board the single ship, which was hired only to convey them across the Atlantic; and, on the sixth day of September, 1620, thirteen years after the first colonization of Virginia, two months before the concession of the grand charter of Plymouth, without any warrant from the sovereign of England, without any useful charter from a corporate body, the passengers in the *Mayflower* set sail for a new world, where the past could offer no favourable auguries.

Had New England been colonized immediately on the discovery of the American continent, the old English institutions would have been planted under the powerful influence of the Roman Catholic religion; had the settlement been made under Elizabeth, it would have been before activity of the popular mind in religion had conducted to a corresponding activity of mind in politics. The Pilgrims were Englishmen, Protestants, exiles for religion, men disciplined by misfortune, cultivated by opportunities of extensive observation, equal in rank as in rights, and bound by no code but that of religion or the public will.

The eastern coast of the United States abounds in beautiful and convenient harbours, in majestic bays and rivers. The first Virginia colony, sailing along the shores of North Carolina, was, by a favouring storm, driven into the magnificent Bay of the Chesapeake; the Pilgrims, having selected for their settlement the country near the Hudson, the best position on the whole coast, were conducted to the most barren and inhospitable part of Massachusetts. After a long and boisterous voyage of sixty-three days, during which one person had died, they espied land, and, in two days more, were safely moored in the harbour of Cape Cod.

Yet, before they landed, the manner in which their government should be constituted was considered; and, as some were observed "not well affected to unity and concord," they formed themselves into a body politic by a solemn voluntary compact:—

"In the name of God, amen; we, whose names are underwritten, the loyal subjects of our dread sovereign King James, having undertaken, for the glory of God, and advancement of the Christian faith, and honour of our king and country, a voyage to plant the first colony in the northern parts of Virginia, do, by these presents, solemnly

and mutually, in the presence of God, and one of another, covenant and combine ourselves together, into a civil body politic, for our better ordering and preservation, and furtherance of the ends aforesaid; and by virtue hereof, to enact, constitute, and frame, such just and equal laws, ordinances, acts, constitutions, and offices, from time to time, as shall be thought most convenient for the general good of the colony. Unto which we promise all due submission and obedience."

This instrument was signed by the whole body of men, forty-one in number, who, with their families, constituted the one hundred, the whole colony, "the proper democracy," that arrived in New England. This was the birth of popular constitutional liberty. The middle age had been familiar with charters and constitutions; but they had been merely compacts for immunities, partial enfranchisements, patents of nobility, concessions of municipal privileges, or limitations of the sovereign power in favour of feudal institutions. In the cabin of the *Mayflower* humanity recovered its rights, and instituted government on the basis of "equal laws" for "the general good." John Carver was immediately and unanimously chosen governor for the year.

Men who emigrate, even in well-inhabited districts, pray that their journey may not be in winter. Wasted by the rough and wearisome voyage, ill supplied with provisions, the English fugitives found themselves, at the opening of winter, on a barren and bleak coast, in a severe climate, with the ocean on one side and the wilderness on the other. There were none to show them kindness or bid them welcome. The nearest French settlement was at Port Royal; it was five hundred miles to the English plantation at Virginia. As they attempted to disembark, the water was found so shallow that they were forced to wade; and, in the freezing weather, the very act of getting on land sowed the seeds of consumption and inflammatory colds. The bitterness of mortal disease was their welcome to the inhospitable shore.

The season was already fast bringing winter, and the spot for the settlement remained to be chosen. The shallop was unshipped, and it was a real disaster to find that it needed repairs. The carpenter made slow work, so *that sixteen or seventeen weary days elapsed before it was ready for service.* But Standish and Bradford, and others,

impatient of the delay, determined to explore the country by land. "In regard to the danger," the expedition "was rather permitted than approved." Much hardship was endured; but what discoveries could be made in Truro and near the banks of Paomet Creek? The first expedition in the shallop was likewise unsuccessful: "some of the people that died that winter took the original of their death" in the enterprise; "for it snowed and did blow all the day and night, and froze withal." The men who were set on shore "were tired with marching up and down the steep hills and deep valleys, which lay half a foot thick with snow." A heap of maize was discovered; and further search led to a burial-place of the Indians; but they found "no more corn, nor any thing else but graves."

At length the shallop was again sent out, with Carver, Bradford, Winslow, Standish, and others, with eight or ten seamen. The cold was severe; the spray of the sea froze as it fell on them, and made their clothes like coats of iron. That day they reached Billingsgate Point, at the bottom of the Bay of Cape Cod, on the western shore of Wellfleet harbour. The next morning the company divided; those on shore find a burial-place, graves, and four or five deserted wigwams, but neither people, nor any place inviting a settlement. Before night the whole party met by the sea-side, and encamped on land together near Namskeket, or Great Meadow Creek.

The next day they rose at five; their morning prayers were finished, when, as the day dawned, a war-whoop and a flight of arrows announced an attack from Indians. They were of the tribe of the Nausites, who knew the English as kidnappers; but the encounter was without further result. Again the boat's crew give thanks to God, and steer their bark along the coast for the distance of fifteen leagues. But no convenient harbour is discovered. The pilot of the boat, who had been in these regions before, gives assurance of a good one, which may be reached before night; and they follow his guidance. After some hours' sailing, a storm of snow and rain begins; the sea swells; the rudder breaks; the boat must now be steered with oars; the storm increases; night is at hand; to reach the harbour before dark, as much sail as possible is borne; the mast breaks into three pieces; the sail falls overboard; but the tide is favourable. The pilot, in dismay, would have run the boat on shore in a

cove full of breakers. "About with her," exclaimed a sailor, "or we are cast away." They get her about immediately, and passing over the surf, they enter a fair sound, and shelter themselves under the lee of a small rise of land. It is dark, and the rain beats furiously; yet the men are so wet, and cold, and weak, they slight the danger to be apprehended from the savages, and after great difficulty kindle a fire on shore.

Morning, as it dawned, showed the place to be a small island within the entrance of a harbour. The day was required for rest and preparations. Time was precious; the season advancing; their companions were left in suspense. The next day was the "Christian Sabbath." Nothing marks the character of the Pilgrims more fully, than that they kept it sacredly, though every consideration demanded haste.

On Monday, the 11th day of December, old style, the exploring party of the forefathers land at Plymouth. A grateful posterity has marked the rock which first received their footsteps. The consequences of that day are constantly unfolding themselves as time advances. It was the origin of New England; it was the planting of the New England institutions. Inquisitive historians have loved to mark every vestige of the Pilgrims; poets of the purest minds have commemorated their virtues; the noblest genius has been called into exercise to display their merits worthily, and to trace the consequences of their daring enterprise.

The spot, when examined, seemed to invite a settlement; and in a few days the *Mayflower* was safely moored in its harbour. In memory of the hospitalities which the company had received at the last English port from which they had sailed, this oldest New England colony obtained the name of Plymouth. The system of civil government had been established by common agreement; the character of the church had for many years been fixed by a sacred covenant. As the Pilgrims landed, their institutions were already perfected. Democratic liberty and independent Christian worship at once existed in America.

After some days they began to build—a difficult task for men of whom one-half were wasting away with consumptions and lung-fevers. For the sake of haste, it was agreed that every man should build his own house; but frost and foul weather were great hindrances; they

could seldom work half of the week ; and tenements were erected as they could be, in short intervals of sunshine between showers of sleet and snow-storms.

On the 3rd of March a south wind brought warm and fair weather. "The birds sang in the woods most pleasantly." But it was not till spring had far advanced that the mortality began to cease. It was afterwards remarked, with modest gratitude, that, of the survivors, very many lived to an extreme old age. A shelter, not less than comfort, had been wanting ; the living had been scarce able to bury the dead ; the well not sufficient to take care of the sick. At the season of greatest distress there were but seven able to render assistance. The benevolent Carver had been appointed governor ; at his first landing he had lost a son ; soon after the departure of the *Mayflower* for England, his health sunk under a sudden attack ; and his wife, broken-hearted, followed him in death. William Bradford, the historian of the colony, was soon chosen his successor. The record of misery was kept by the graves of the governor and half the company.

But if sickness ceased to prevail, the hardships of privation and want remained to be encountered. In the 1621- autumn an arrival of new emigrants, who came un- 1622. provided with food, compelled the whole colony, for six months in succession, to subsist on half allowance only. "I have seen men," says Winslow, "stagger by reason of faintness for want of food." They were once saved from famishing by the benevolence of fishermen off the coast. Sometimes they suffered from oppressive exactions on the part of ships, that sold them provisions at the most exorbitant prices. Nor did their miseries soon terminate. Even in the third year of the settlement, their victuals were so entirely spent, that "they knew not at night where to have a bit in the morning." Tradition declares, that, at one time, the colonists were reduced to 1623. a pint of corn, which, being parched and distributed, gave to each individual only five kernels ; but rumour falls short of reality ; for three or four months together they had no corn whatever. When a few of their old friends arrived to join them, a lobster, or a piece of fish, without bread or anything else but a cup of fair spring 1624. water, was the best dish which the hospitality of the whole colony could offer. Neat cattle were not introduced till the fourth year of the settlement. Yet,

during all this season of self-denial and suffering, the cheerful confidence of the Pilgrims in the mercies of Providence remained unshaken.

The system of common property had occasioned grievous discontents; the influence of law could not compel regular labour like the uniform impulse of personal interest; and even the threat of "keeping back their bread" could not change the character of the idle. After the harvest ^{1623.} of 1623 there was no general want of food; in the spring of that year it had been agreed that each family should plant for itself, and parcels of land in proportion to the respective numbers were assigned for culture, though not for inheritance. This arrangement produced contented labour and universal industry; "even women and children now went into the field to work." The next spring every person obtained a little land in perpetual fee. The necessity of the case, and the common interest, demanded a slight departure from the severe agreement with the English merchants. Before many harvests, so much corn was raised that it began to form a profitable article of commerce, and the Indians, preferring the chase to tillage, abandoned culture, and looked to the colonists for their supply. The intercourse between the Plymouth colony and the Indians soon assumed the character of commercial familiarity. The exchange of European manufactures for beaver and other skins, was almost the only pursuit which promised to be lucrative.

The spot to which Providence had directed the planters, had, a few years before, been rendered entirely a desert by a pestilence, which had likewise swept over the neighbouring tribes, and desolated almost the whole sea-board of New England. Where the Pilgrims landed, there ^{1620.} were the traces of a previous population, but not one living inhabitant. Smokes from fires in the remote distance alone indicated the vicinity of natives. Miles ^{1621.} Standish, "the best linguist" among the Pilgrims, as well as the best soldier, with an exploring party, was able to discover wigwams, but no tenants. Yet a body of Indians from abroad was soon discovered hovering near the settlement, though disappearing when pursued. The colony, therefore, assumed a military organization; and Standish, a man of the greatest courage, the devoted *friend of the church*, which he never joined, was appointed *to the chief command*. But dangers were not at hand.

One day, Samoset, an Indian who had learned a little English of the fishermen at Penobscot, boldly entered the town, and, passing to the rendezvous, exclaimed, in English, "Welcome, Englishmen." He belonged to the Wampanoags, a tribe which was destined to become memorable in the history of New England. In the name of his nation, he bade the strangers possess the soil, which there was no one of the original occupants alive to claim. After some little negotiation, in which an Indian, who had been carried away by Hunt, had learned English in England, and had, in an earlier expedition, returned to his native land, acted as interpreter, Massasoit himself, the sachem of the tribe possessing the country north of Narragansett Bay, and between the rivers of Providence and Taunton, came to visit the Pilgrims, who with their wives and children now amounted to no more than fifty. The chieftain of a race as yet so new to the Pilgrims, was received with all the ceremonies which the condition of the colony permitted. A treaty of friendship was soon completed in few and unequivocal terms. The parties promised to abstain from mutual injuries, and to deliver up offenders; the colonists were to receive assistance if attacked; to render it if Massasoit should be attacked unjustly. The treaty included the confederates of the sachem; it is the oldest act of diplomacy recorded in New England; it was concluded in a day, and being founded on reciprocal interests, was sacredly kept for more than half a century. Massasoit desired the alliance, for the powerful Narragansetts were his enemies; his tribe, moreover, having become habituated to some English luxuries, were willing to establish a traffic; while the emigrants obtained peace, security, and the opportunity of a lucrative commerce.

An embassy from the little colony to their new ally, performed, not with the pomp of modern missions, but through the forests and on foot, and received, not to the luxuries of courts, but to a share in the abstinence of savage life, confirmed the treaty of amity, and prepared the way for a trade in furs. The marks of devastation from a former plague were visible wherever the envoys went, and they witnessed the extreme poverty and feebleness of the natives.

The influence of the English over the aborigines was rapidly extended. A sachem who menaced their safety was himself compelled to sue for mercy; and nine chief-

tains subscribed an instrument of submission to King James. The Bay of Massachusetts and harbour of Boston were fearlessly explored. Canonicus, the wavering sachem of the Narragansetts, whose territory had escaped the ravages of the pestilence, had at first desired to treat of peace. A bundle of arrows, wrapped in the skin of a rattlesnake, was now the token of his hostility. But when Bradford stuffed the skin with powder and shot, and returned it, his courage quailed, and he desired to be in amity with a race of men whose weapons of war were so terrible. The hostile expedition which caused the first Indian blood to be shed, grew out of a quarrel, in which the inhabitants of Plymouth were involved by another colony.

For who will define the limits to the graspings of avarice? The opportunity of gain by the fur-trade had been envied by the planters of New Plymouth; and Weston, who had been active among the London adventurers in establishing the Plymouth colony, now desired to engross the profits which he already deemed secure.

A patent for land near Weymouth, the first plantation in Boston harbour, was easily obtained, and a company of sixty men were sent over. Helpless at their arrival, they intruded themselves for most of the summer upon the unrequited hospitality of the people of Plymouth. In their plantation they were soon reduced to necessity by their want of thrift; their injustice towards the Indians provoked hostility; and a plot was formed for the entire destruction of the English. But the grateful Massasoit revealed the design to his allies, and the planters at Weymouth were saved by the wisdom of the older colony and the intrepid gallantry of Standish. It was "his capital exploit." Some of the rescued men went to Plymouth, some sailed for England. One short year saw the beginning and end of the Weymouth plantation. "Certainly the best works, and of greatest merit for the public," observes the childless Lord Bacon, with complacent self-love, "have proceeded from the unmarried or childless men." Weston's company, after having boasted of their strength as far superior to Plymouth, which was enfeebled, they said, by the presence of children and women, owed their deliverance to the colony that had many women, children, and weak ones with them.

The danger from Indian hostilities was early removed;

the partnership with English merchants occasioned greater inconvenience. Robinson and the rest of his church, at Leyden, were suffering from deferred hopes, and were longing to rejoin their brethren in America. The adventurers in England refused to provide them a passage, and attempted, with but short success, to force upon the 1624- colonists a clergyman more friendly to the established 1626. church; thus outraging at once the affections and the religious scruples of those whom they had pledged themselves to cherish. Divisions ensued; and the partners in England, offended by opposition, and discouraged at the small returns from their investments, deserted the interests of their associates in America. A ship was even despatched to rival them in their business; goods, which were sent for their supply, were sold to them at an advance of seventy per cent. The curse of usury, which always falls so heavily upon new settlements, did not spare them; for, being left without help from the partners, they were obliged to borrow money at fifty per cent. and at thirty per cent. interest. At last, the emigrants themselves succeeded in purchasing the entire rights of the English adventurers; the common property was equitably divided, and agriculture established immediately and completely on the basis of private possessions. For a six years' monopoly of the trade, eight of the most enterprising men assumed all the engagements of the colony; so that the cultivators of the soil became really freeholders; neither debts nor rent-day troubled them.

The colonists of Plymouth had exercised self-government without the sanction of a royal patent. Yet their claim to their lands was valid, according to the principles of English law, as well as natural justice. They had received a welcome from the aborigines; and the

1621. council of Plymouth, through the mediation of Sir Ferdinand Gorges, (1) immediately issued a patent to John Pierce for their benefit. But the trustee,

1623. growing desirous of becoming lord proprietary, and holding them as tenants, obtained a new charter, which would have caused much difficulty, had not his misfortunes compelled him to transfer his rights to the company.

1623. When commerce extended to the Kennebec a patent for the adjacent territory was easily procured. The same year, Allerton was again sent to London to ne-

(1) *Gorges' Description*, 24. *Briefe Narration*, c. xxii.

negotiate an enlargement of both the grants; and he gained from the council of Plymouth concessions equal to all his desires. But it was ever impossible to obtain a charter

1630. from the king; so that, according to the principles adopted in England, the planters, with an unquestionable property in the soil, had no right to assume a separate jurisdiction. It was therefore in the virtues of the colonists themselves, that their institutions found a guaranty for stability. They never hesitated to punish small offences; it was only after some scruples, that they inflicted capital punishment. Their doubts being once removed, they exercised the same authority as the charter governments. Death was, by subsequent laws, made the penalty for several crimes; but was never inflicted except for murder. House-breaking and highway robbery were offences unknown in their courts, and too little apprehended to be made subjects of severe legislation.

The progress of population was very slow. The lands in the vicinity were not fertile; and at the end of ten years the colony contained no more than three hundred souls. Few as were their numbers, they had struck deep root, and would have outlived every storm, even if they had been followed by no other colonies in New England. Hardly were they planted in America, when their enterprise began to take a wide range; before Massachusetts was settled, they had acquired rights at Cape Ann, as well as an extensive domain on the Kennebec; and they were the first to possess an English settlement on the

1625. banks of the Connecticut. The excellent Robinson died at Leyden, before the faction in England would permit his removal to Plymouth; his heart was in America, where his memory will never die. The remainder of his people, and with them his wife and children, emigrated, so soon as means could be provided to defray the costs. "To enjoy religious liberty was the known end of the first comers' great adventure into this remote wilderness; and they desired no increase, but from the friends of their communion. Yet their residence in Holland had made them acquainted with various forms of Christianity; a wide experience had emancipated them from bigotry; and they were never betrayed into the excesses of religious persecution, though they sometimes permitted a disproportion between punishment and crime.

The frame of civil government in the Old Colony was

of the utmost simplicity. A governor was chosen by general suffrage; whose power, always subordinate to the general will, was, at the desire of Bradford, specially
 1624. restricted by a council of five, and afterwards of seven assistants. In the council, the governor had but a double vote. For more than eighteen years,
 1633. "the whole body of the male inhabitants" constituted the legislature; the state was governed, like our towns, as a strict democracy; and the people were frequently convened to decide on executive not less than on judicial questions. At length, the increase of popu-
 1639. lation, and its diffusion over a wider territory, led to the introduction of the representative system, and each town sent its committee to the general court. We shall subsequently find the colony a distinct member of the earliest American Confederacy; but it is chiefly as guides and pioneers that the fathers of the Old Colony merit gratitude.

Through scenes of gloom and misery, the Pilgrims showed the way to an asylum for those who would go to the wilderness for the purity of religion or the liberty of conscience. Accustomed "in their native land to no more than a plain country life and the innocent trade of husbandry," they set the example of colonizing New England, and formed the mould for the civil and religious character of its institutions. Enduring every hardship themselves, they were the servants of posterity, the benefactors of succeeding generations. In the history of the world, many pages are devoted to commemorate the men who have besieged cities, subdued provinces, or overthrown empires. In the eye of reason and of truth a colony is a better offering than a victory; the citizens of the United States should rather cherish the memory of those who founded a state on the basis of democratic liberty; the fathers of the country; the men who, as they first trod the soil of the New World, scattered the seminal principles of republican freedom and national independence. They enjoyed, in anticipation, the thought of their extending influence, and the fame which their grateful successors would award to their virtues. "Out of small beginnings," said Bradford, "great things have been produced; and as one small candle may light a thousand, so the light here kindled hath shone to many, yea, in some

sort to our whole nation."—"Let it not be grievous to you,"—such was the consolation offered from England to the Pilgrims in the season of their greatest sufferings,—“let it not be grievous to you, that you have been instruments to break the ice for others. The honour shall be yours to the world's end.”

CHAPTER IX.

THE EXTENDED COLONIZATION OF NEW ENGLAND.

THE council of Plymouth for New England, having obtained of King James the boundless territory and the immense monopoly which they had desired, had no further obstacles to encounter but the laws of nature and the remonstrances of parliament. No tributaries tenanted their countless millions of uncultivated acres; and exactions upon the vessels of English fishermen were the only means of acquiring an immediate revenue from America. But the spirit of the commons indignantly opposed the extravagant pretensions of the favoured company, and demanded for every subject of the English king the free liberty of engaging in a pursuit which was the chief source of wealth to the merchants of the west.

1620. “Shall the English,” said Sir Edwin Sandys, the statesman so well entitled to the enduring gratitude of Virginia, “be debarred from the freedom of the fisheries, a privilege which the French and Dutch enjoy? It costs the kingdom nothing but labour; employs shipping; and furnishes the means of a lucrative commerce with Spain.”—“The fishermen hinder the plantations,” replied Calvert; “they choke the harbours with their ballast, and waste the forests by improvident use. America is not annexed to the realm, nor within the jurisdiction of parliament; you have therefore no right to interfere.”—“We may make laws for Virginia,” rejoined another member, intent on opposing the flagrant benevolence of the king, and wholly unconscious of asserting, in the *earliest* debate on American affairs, the claim of *parliament to that absolute sovereignty which the colonies never acknowledged, and which led to the war of the revolution;*

"a bill passed by the commons and the lords, if it receive the king's assent, will control the patent." The charter, argued Sir Edward Coke, with ample reference to early statutes, was granted without regard to previously-existing rights, and is therefore void by the established laws of England. So the friends of the liberty of fishing triumphed over the advocates of the royal prerogative, though the parliament was dissolved before a bill could be carried through all the forms of legislation.

Yet enough had been done to infuse vigour into mercantile enterprise; in the second year after the settlement of Plymouth, five-and-thirty sail of vessels went to fish on the coasts of New England, and made good voyages. The monopolists appealed to King James; and the monarch, preferring to assert his own extended prerogative, rather than to regard the spirit of the house of commons, issued a proclamation, which forbade any to approach the northern coast of America, except with the special leave of the company of Plymouth, or of the privy council. It was monstrous thus to attempt to seal up a large portion of an immense continent; it was impossible to carry the ordinance into effect; and here, as so often, despotism caused its own fall. By desiring strictly to enforce its will, it provoked a conflict in which it was sure of being defeated.

But the monopolists endeavoured to establish their claims. One Francis West was despatched with a commission as admiral of New England, for the purpose of excluding from the American seas such fishermen as came without a license. But his feeble authority was derided; the ocean was a wide place over which to keep sentry. The mariners refused to pay the tax which he imposed; and his ineffectual authority was soon resigned.

In England, the attempt occasioned the severest remonstrances, which did not fail to make an impression on the ensuing parliament.

The patentees, alike prodigal of charters and tenacious of their monopoly, having given to Robert Gorges, the son of Sir Ferdinand, a patent for a tract extending ten miles on Massachusetts Bay, and thirty miles into the interior, now appointed him lieutenant-general of New England, with power "to restrain interlopers," not less than to regulate the affairs of the corporation. His patent was never permanently used; though

the colony at Weymouth was renewed, to meet once more with ill fortune. He was attended by Morrell, an Episcopal clergyman, who was provided with a commission for the superintendence of ecclesiastical affairs. Instead of establishing a hierarchy, Morrell, remaining in New England about a year, wrote a description of the country in verse; while the civil dignity of Robert Gorges ended in a short-lived dispute with Weston. They came to plant a hierarchy and a general government, and they produced only a fruitless quarrel and a dull poem.

But when parliament was again convened, the controversy against the charter was once more renewed; and the rights of liberty found an inflexible champion in the aged Sir Edward Coke, who now expiated the sins of his early ambition by devotion to the interests of the people. It was in vain that the patentees relinquished a part of their pretensions; the commons resolved that English fishermen shall have fishing with all its incidents. "Your patent"—thus Gorges was addressed by Coke from the speaker's chair—"contains many particulars contrary to the laws and privileges of the subject; it is a monopoly, and the ends of private gain are concealed under colour of planting a colony." "Shall none," observed the veteran lawyer in debate, "shall none visit the sea-coast for fishing? This is to make a monopoly upon the seas, which wont to be free. If you alone are to pack and dry fish, you attempt a monopoly of the wind and the sun." It was in vain for Sir George Calvert to resist. The bill passed without amendment, though it never received the royal assent.⁽¹⁾

The determined opposition of the house, though it could not move the king to overthrow the corporation, paralyzed its enterprise; many of the patentees abandoned their interest; so that the Plymouth company now did little except issue grants of domains; and the cottages, which, within a few years, were sprinkled along the coast from Cape Cod to the Bay of Fundy, were the consequence of private adventure.

The territory between the River of Salem and the Kennebec became, in a great measure, the property of

(1) The original authorities,—*Debates of the Commons*, 1620-1, i. 258, 260, 261, 318, 319; *Journal of Commons*, in *Chalmers*, 100—102, and 103, 104; *Sir F. Gorges' Narration*; Morrell, in i. *Mass Hist. Coll.* i. 125—130; *Smith*, in iii. *Mass. Hist. Coll.* iii. 25; *Hazard*, i. 151—155. Compare *Prince*, *Morton*, *Hutchinson*, *Belknap*, and *Chalmers*.

two enterprising individuals. We have seen that Martin
 1603. Pring was the discoverer of New Hampshire, and
 that John Smith of Virginia had examined and ex-
 tolled the deep waters of the Piscataqua. Sir Ferdinand
 1614. Gorges, the most energetic member of the council of
 1620. Plymouth, always ready to encounter risks in the
 cause of colonizing America, had not allowed repeated ill
 success to chill his confidence and decision; and now he
 found in John Mason, "who had been governor of a
 plantation in Newfoundland, a man of action," like him-
 self. It was not difficult for Mason, who had been
 1621. elected an associate and secretary of the council, to
 obtain a grant of the lands between Salem River and the
 farthest head of the Merrimac; but he did no more with
 his vast estate than give it a name. The passion for
 1622. land increased; and Gorges and Mason next took
 a patent for Laconia, the whole country between the sea,
 the St. Lawrence, the Merrimac, and the Kennebec; a
 company of English merchants was formed; and under its
 auspices permanent plantations were established on
 1623. the banks of the Piscataqua.(1) Portsmouth and
 Dover are among the oldest towns in New England.
 Splendid as were the anticipations of the proprietaries, and
 lavish as was their enthusiasm in liberal expenditures, the
 immediate progress of the plantations was inconsiderable,
 and, even as fishing stations, they do not seem to have
 prospered.

When the country on Massachusetts Bay was
 1628. granted to a company, of which the zeal and success
 were soon to overshadow all the efforts of proprietaries
 and merchants, it became expedient for Mason to
 1629. procure a new patent; and he now received a fresh
 title(2) to the territory between the Merrimac and Pis-
 cataqua, in terms which, in some degree, interfered with
 the pretensions of his neighbours on the south. This was
 the patent for New Hampshire, and was pregnant with
 nothing so signally as suits at law. The country had been
 devastated by the mutual wars of the tribes, and the same
 wasting pestilence which left New Plymouth a desert;

(1) Gorges' Narrative, c. xxiv. Hubbard, 614—616. Prince, 215. Adams's Annals of Portsmouth, 9, 10. Williamson's Maine, i. 222, and W. Belknap's New Hampshire, c. i.—a truly valuable work, highly creditable to American literature.

(2) Hazard, i. 280—283.

no notice seems to have been taken of the rights of the natives; nor did they now issue any deed of their lands;(1) but the soil in the immediate vicinity of Dover, and afterwards of Portsmouth, was conveyed to the planters themselves, or to those at whose expense the settlement had been made.(2) A favourable impulse was thus given to the little colonies; and houses now began to be built on the "Strawberry Bank" of the Piscataqua. But the progress of the town was slow; Josselyn(3) described the whole coast as a mere wilderness, with here and there a few huts scattered by the sea-side; and thirty years after its settlement, Portsmouth made only the moderate boast of containing "between fifty and sixty families."(4)

When the grand charter, which had established the council of Plymouth, was about to be revoked, Mason extended his pretensions to the Salem River, the southern boundary of his first territory, and obtained of the expiring corporation a corresponding patent. There is room to believe, that the king would, without scruple, have confirmed the grant,(5) and conferred upon him the powers of government, as absolute lord and proprietary; but the death of Mason cut off all the hopes which his family might have cherished of territorial aggrandizement and feudal supremacy. His widow in vain attempted to manage the colonial domains; the costs exceeded the revenue; the servants were ordered to provide for their own welfare; the property of the great landed proprietor was divided among them for the payment of arrears; and Mason's American estate was completely ruined. Neither king nor proprietary troubled the few inhabitants of New Hampshire; they were left to take care of themselves—the best dependence for states, as well as for individuals.

The enterprise of Sir Ferdinand Gorges, though sustained by stronger expressions of royal favour, and continued with indefatigable perseverance, was not followed by much greater success. We have seen a colony established, though but for a single winter, on the shores which Pring had discovered, and Weymouth had been the first to explore. After the bays of New England

(1) Savage on Winthrop, i. 405, and ff.

(2) Adam's Portsmouth, 17—19.

(4) Farmer's Belknap, 434.

(3) Josselyn's Voyages, 20.

(5) Farmer's Belknap, 431, and c. ii.

had been more carefully examined by the same daring adventurer who sketched the first map of the Chesapeake, the coast was regularly visited by fishermen and traders. A special account of the country was one of the fruits of Hakluyt's inquiries, and was published in the collections of Purchas. At Winter Harbour, near the mouth of Saco River, Englishmen, under Richard Vines, again encountered the severities of the inclement season; and not long afterwards, the mutineers of the crew of *Rocraft* lived from autumn till spring on Monhegan Island, where the colony of Popham had anchored, and the ships of John Smith had made their station during his visit to New England. The earliest settlers, intent only on their immediate objects, hardly aspired after glory; from the few memorials which they have left, it is not, perhaps, possible to ascertain the precise time when the rude shelters of the fishermen on the sea-coast began to be tenanted by permanent inmates, and the fishing stages of a summer to be transformed into regular establishments of trade.⁽¹⁾ The first settlement was probably made "on the Maine," but a few miles from Monhegan, at the mouth of the Pemaquid. The first observers could not but admire the noble rivers and secure bays, which invited commerce, and gave the promise of future opulence; but if hamlets were soon planted near the mouths of the streams; if forts were erected to protect the merchant and the mariner,—agriculture received no encouragement; and so many causes combined to check the growth of the country, that, notwithstanding its natural advantages, nearly two centuries glided away, before the scattered settlements along the sea-side rose into a succession of busy marts, sustained and enriched by the thriving villages of a fertile interior.

The settlement at Piscataqua could not quiet the ambition of Gorges. As a Protestant and an Englishman,

(1) For the early history of Maine, the original authorities are in Purchas, vol. iv.; the Relation of the President and Council for New England; Josselyn's Voyages; and the Narration which Gorges himself composed in his old age. Materials may be found also in Sullivan's History; and far better in the elaborate and most minute work of Williamson. I have also derived advantage from Geo. Folsom's Saco and Biddeford, and W. Willis's Portland. Williamson, i. 227, describes Saco as a permanent settlement in 1623; I incline rather to the opinion of Willis and Folsom.

he was almost a bigot, both in patriotism and in religion. Unwilling to behold the Roman Catholic church and the French monarch obtain possession of the eastern coast of North America, his first act with reference to the territory of the present state of Maine was, to invite the Scottish nation to become the guardians of its frontier. Sir William Alexander, the ambitious writer of turgid rhyming tragedies, a man of influence with King James, and already filled with the desire of engaging in colonial adventure, seconded a design, which promised to establish his personal dignity and interest; and he obtained, without difficulty, a patent for all the territory east of the

1621. River St. Croix, and south of the St. Lawrence.(1)
The whole region, which had already been included in the French provinces of Acadia and New France, was designated in English geography by the name of Nova Scotia. Thus were the seeds of future wars scattered broadcast by the unreasonable pretensions of England; for James now gave away lands, which, already and
1603. with a better title on the ground of discovery, had been granted by Henry IV. of France, and which had been immediately occupied by his subjects; nor could it be supposed, that the reigning French monarch would esteem his rights to his rising colonies invalidated by a parchment under the Scottish seal, or prove himself so forgetful of honour, as to discontinue the protection of the emigrants who had planted themselves in America on the faith of the crown.(2)

Yet immediate attempts were made to effect a Scottish settlement. One ship, despatched for the purpose, did but come in sight of the shore, and then, declining
1622. the perilous glory of colonization, returned to the permanent fishing station on Newfoundland. The next
1623. spring, a second ship arrived; but the two vessels in company hardly possessed courage to sail to and fro along the coast, and make a partial survey of the harbours and the adjacent lands. The formation of a colony was postponed; and a brilliant eulogy of the soil, climate, and productions of Nova Scotia, was the only compensation for the delay.(3)

(1) The patent is in Hazard, v. i. p. 134—145; in Purchas, v. iv. p. 1871. See, also, Gorges' Narration, c. xxiv; Laing's Scotland, iii. 477.

(2) Chalmers, 92.

(3) Purchas's Pilgrims, iv. 1872. Charlevoix, i. 274. De Laet. 62.

The marriage of Charles I. with Henrietta Maria promised between the rival claimants of the wilds of Acadia such friendly relations as would lead to a peaceful ^{1628.} adjustment of jarring pretensions. Yet, even at that period, the claims of France were not recognized by England; and a new patent confirmed to Sir William Alexander all the prerogatives with which he had been lavishly invested, ⁽¹⁾ with the right of creating an order of baronets. The sale of titles proved to the poet a lucrative traffic, and the project of a colony was abandoned.

The citizens of a republic are so accustomed to see the legislation and the destinies of their country controlled only by public opinion, as formed and expressed in masses, that they can hardly believe the extent in which the fortunes of European nations have, at least for a short season, been moulded by the caprices of individuals: how often the wounded vanity of a courtier, or an unsuccessful passion of a powerful minister, has changed the foreign relations of a kingdom! The feeble monarch of England, having twice abruptly dissolved parliament, and having vainly resorted to illegal modes of taxation, had forfeited the confidence of his people, and, while engaged in a war with Spain, was destitute of money and of credit. It was at such a moment, that the precipitate gallantry of the favourite Buckingham, eager to thwart the jealous ^{1627.} Richelieu, to whom he was as far inferior in the qualities of a statesman, as he was superior in youth, manners, and personal beauty, hurried England into an unnecessary and disastrous conflict with France. The siege of Rochelle invited the presence of an English fleet; but the expedition was fatal to the honour and the objects of Buckingham.

Hostilities were nowhere successfully attempted, except in America. Port Royal fell easily into the hands of the English; the conquest was no more than the ^{1628.} acquisition of a small trading station. It was a bolder design to attempt the reduction of Canada. Sir David Kirk and his two brothers, Louis and Thomas, were commissioned to ascend the St. Lawrence, and Quebec received a summons to surrender. The garrison, destitute alike of provisions and of military stores, had no hope but in the character of Champlain, its commander: his answer

(2) Hazard, i. 206, and ff. *Biog. Brit.* sub voce *Alexander*.

of proud defiance concealed his weakness; and the intimidated assailants withdrew. But Richelieu sent no ^{1629.} seasonable supplies; the garrison was reduced to extreme suffering and the verge of famine; and when the squadron of Kirk re-appeared before the town, the English were welcomed as deliverers. Favourable terms were demanded and promised; and Quebec capitulated. Thus did England, one hundred and thirty years before the enterprise of Wolfe, make the conquest of the capital of New France; that is to say, she gained possession of a barren rock and a few wretched hovels, tenanted by a hundred miserable men, who were now but beggars for bread of their vanquishers. Yet the event might fairly be deemed of importance, as pregnant with consequences; and the English admiral could not but admire the position of the fortress. Not a port in North America remained to the French; from Long Island to the Pole, England was without a rival.(1)

But before the conquest of Canada was achieved, peace had been proclaimed between the contending states; and an article in the treaty promised the restitution of all acquisitions made subsequent to April 14, 1629.(2) The possession of New France would have been too dearly purchased by the vileness of falsehood, and it was readily agreed to restore Quebec.(3) Perhaps an indifference to the issue prevailed in France; but the pride of honour and of religion seconded the claims to territory; and the ^{1632.} genius of Richelieu succeeded in obtaining the restitution, not of Canada only, but of Cape Breton and the undefined Acadia.(4) The event has been frequently deplored; but misery ensued, because neither the boundaries of the rival nations were distinctly marked, nor the spirit of the compact honestly respected.

While the eastern provinces of America were thus recovered by the firmness and ability of the French minister, very different causes delayed the colonization of Maine. ^{1628.} Hardly had the little settlement, which claimed the distinction of being the oldest plantation on that

(1) Mémoires, in Hazard, i. 285—287. Charlevoix, i. 165, and ff. Compare, also, Halliburton's N. Scotia, i. 43, 46, &c.

(2) Rushworth, ii. 24.

(3) Hazard, i. 314, 315.

(4) Charlevoix, i. 176. Winthrop, i. 13. Hazard, i. 319, 320. Williamson, i. 246, 347. Dummer's Memorial, in iii. M. H. Coll. i. 232, is an *ad parte* statement, unworthy to be cited as of authority.

coast, gained a permanent existence, before a succession of patents distributed the whole territory from the Piscataqua to the Penobscot among various proprietors. The 1629 grants were couched in vague language, and were 1631. made in hasty succession, without deliberation on the part of the council of Plymouth, and without any firm purpose of establishing colonies on the part of those for whose benefit they were issued. The consequences were obvious. As the neighbourhood of the indefinite possessions of France foreboded the border feuds of a controverted jurisdiction, so the domestic disputes about land-titles and boundaries threatened perpetual lawsuits. At the same time, enterprise was wasted by its diffusion over too wide a surface. Every harbour along the sea was accessible; groups of cabins were scattered at wide intervals, without any common point of attraction; and the agents of such proprietaries as aimed at securing a revenue from colonial rents, were often, perhaps, faithless,—were always unsuccessful. How feeble were the attempts at planting towns, is evident from the nature of the tenure by which the lands near the Saco were held: the condition of the grant was the introduction of fifty settlers within seven years. Agriculture was hardly attempted. A district of forty 1630. miles square, named Lygonia, and stretching from Harpswell to the Kennebunk, was set apart for the first colony of farmers; but when a vessel of sixty tons brought over the emigrants who were to introduce the plough into the regions on Casco Bay, the earlier resident adventurers treated their scheme with derision. The musket and the hook and line were more productive than the implements of husbandry; the few members of the unsuccessful company remained but a single year in a neighbourhood where the culture of the soil was so little esteemed, and, embarking once more, sought a home among the rising settlements of Massachusetts. Except for the wealth to be derived from the forest and the sea, the coast of Maine would not at that time have been tenanted by Englishmen; and this again was fatal to the expectations of the proprietaries, since firs might be gathered and fish taken without the payment of quit-rents or the purchase of lands.⁽¹⁾

Yet a pride of character sustained in Gorges an un-

(1) Hubbard's Narrative, 204. Willis, 13, 17, &c. Folsom, 318 &c. Williamson, i. 237, and F. Gorges, 48, 49.

bending hope, and he clung to the project of territorial aggrandizement. When Mason limited himself to the 1635. country west of the Piscataqua, and while Sir William Alexander obtained of the Plymouth company a patent for the eastern extremity of the United States, Gorges, alike undismayed by previous losses, and by the encroaching claims of the French, who had already advanced their actual boundary to the Penobscot, succeeded in soliciting the whole district that lies between the Kennebec and the boundary of New Hampshire. The earnestness of his designs is apparent from his appointment as governor-general of New England. If an unforeseen accident prevented his embarkation for America, and relieved Massachusetts of its apprehensions, he at least sent his nephew, William Gorges, to govern his territory. That officer repaired to the province without delay. Saco may 1636. have contained one hundred and fifty inhabitants, when the first court ever duly organized on the soil of Maine was held within its limits.(1) Before that time, there may have been some voluntary combinations among the settlers themselves, but there had existed on the Kennebec no jurisdiction of sufficient power to prevent or to punish bloodshed among the traders.(2) William Gorges remained in the country less than two years; the six Puritans of Massachusetts and Connecticut, who received a commission to act as his successors, declined the trust,(3) and the infant settlements then called New 1638. Somersetsshire were abandoned to anarchy, or to so 1640. imperfect a government, that of the events of two years no records can be found.

Meantime a royal charter now constituted Gorges, 1639. in his old age, the lord proprietary of the country; and his ambition immediately soared to the honour of establishing boroughs, framing schemes of colonial government, and enacting a code of laws. The veteran royalist, clearly convinced of the necessity of a vigorous executive, had but dim conceptions of popular liberty and rights; and he busied himself in making such arrangements as might have been expected from an old soldier, who was never remarkable for sagacity, had never seen America, and who, now in his dotage, began

(1) Documents in Folsom, 49—52. Josselyn, 200.

(2) Hubbard, 167, 168. Winthrop.

(3) Winthrop. Hubbard, 261, 262. Williamson, i. 288.

to act as a lawgiver for a rising state in another hemisphere.⁽¹⁾

Such was the condition of the settlements at the north, at the time when the region which lies but a little nearer the sun was already converted, by the energy of religious zeal, into a busy, well-organized, and even opulent state. The early history of Massachusetts is the history of a class of men as remarkable for their qualities and their influence on public happiness as any by which the human race has ever been diversified.

^{1624.} The settlement near Weymouth was revived; a ^{1625.} new plantation was begun near Mount Wollaston, within the present limits of Quincy; and the merchants of the West continued their voyages to the islands of New England. But these things were of feeble influence compared with the consequences of the attempt at a per-

manent establishment near Cape Ann; for White, a ^{1624.} minister of Dorchester, a Puritan, but not a Separatist, breathed into the enterprise a higher principle than that of the desire of gain. Roger Conant, having already left New Plymouth for Nantasket, through a brother in

England, who was a friend of White, obtained the ^{1625.} agency of the adventure. A year's experience proved to the company that their speculation must change its form, or it would produce no results: the merchants, therefore, paid with honest liberality all the persons whom they had employed, and abandoned the unprofitable scheme. But Conant, a man of extraordinary vigour, "inspired as it were by some superior instinct," and con-

fining in the active friendship of White, succeeded in ^{1626.} breathing a portion of his sublime courage into his three companions; and, making choice of Salem, as opening a convenient place of refuge for the exiles for religion, they resolved to remain as the sentinels of Puritanism on the Bay of Massachusetts.⁽¹⁾

The design of a plantation was now ripening in the mind of White and his associates in the south-west of England.

About the same time, some friends in Lincolnshire ^{1627.} fell into discourse about New England; imagination swelled with the thought of planting the pure gospel among the quiet shades of America; it seemed better to

(1) Gorges, 50, and ff.

(2) Hubbard, 102, 106—108. Prince, 224, 229, 231, 235, 236. Cotton Mather, b. i. c. iv. s. 3.

depend on the benevolence of uncultivated nature and the care of Providence, than to endure the constraints of the English laws and the severities of the English hierarchy; and who could doubt that, at the voice of undefiled religion, the wilderness would change to a paradise for a people who lived under a bond with the Omnipresent God? After some deliberation, persons in London and the West Country were made acquainted with the design. (1)

The council for New England, itself incapable of
1628. the generous purpose of planting colonies, was ever ready to make sale of patents, which had now become their only source of revenue. Little concerned even at making grants of territory which had already been purchased, (2) they sold to Sir Henry Roswell, Sir John Young, Thomas Southcoat, John Humphrey, John Endicott, and Simon Whetcomb, gentlemen of Dorchester, (3) a belt of land, stretching from the Atlantic to the Pacific, extending three miles south of the river Charles and the Massachusetts Bay, and three miles north of every part of the river Merrimac. (4) The zeal of White sought and soon found other and powerful associates in and about London, (5)—kindred spirits, men of religious fervour, uniting the emotions of enthusiasm with unbending perseverance in action,—Winthrop, Dudley, Johnson, Pynchon, Eaton, Saltonstall, Bellingham, so famous in colonial annals, besides many others, men of fortune, and friends to colonial enterprise, who desired to establish a plantation of “the best” of their countrymen on the shores of New England, in a safe seclusion, which the corruptions of human superstition might never invade. Three of the original purchasers parted with all their rights; Humphrey, Endicott, and Whetcomb, retained an equal interest with the new partners. (6)

The company, already possessing the firmness of religious zeal and the resources of mercantile opulence, and having now acquired a title to an extensive territory,

(1) Dudley to the countess of Lincoln, in i. Mass. Hist. Coll. viii. 37. The countess of Lincoln, to whom Dudley wrote, was “the approved *Lady Brigit*,” daughter of Lord Say, the sister-in-law, and *not the mother*, of the *Lady Arbella*. Savage on Winthrop, i. 2. Walpole’s *Royal and Noble Authors*, ii. 272—275. The mother of Arbella was an authoress.

(2) Chalmers, 135.

(3) Hubbard, 108.

(4) *Prince*, 247. The charter repeats the boundaries.

(5) Hubbard, 109. Mather, i. c. iv. s. 3.

(6) *Prince*, 247. Col. Records.

immediately prepared for the emigration of a colony ; and Endicot—a man of dauntless courage, and that cheerfulness which accompanies courage ; benevolent, though austere ; firm, though choleric ; of a rugged nature, which the sternest form of Puritanism had not served to mellow—was selected as “ a fit instrument to begin this wilderness work.”(1) His wife and family were the companions of his voyage, the hostages of his fixed attachment to the New World. His immediate attendants, and those whom the company sent over the same year, in all not far from one hundred in number,(2) were welcomed by Conant and his faithful associates to gloomy forests and unsubdued fields. Yet, even then, the spirit of enterprise predominated over the melancholy which is impressed upon nature in its savage state ; and seven or more threaded a path through the woods to the neck of land which is now Charlestown. English courage had preceded them ; they found there one English hovel already tenanted.(3)

When the news reached London of the safe arrival 1629. of the emigrants, the number of the adventurers had already been much enlarged. The “ Boston men ” next lent their strength to the company ;(4) and the Puritans throughout England began to take an interest in the efforts which invited the imagination to indulge in delightful visions. Interest was also made to obtain a royal charter, with the aid of Bellingham and of White, an eminent lawyer, who advocated the design. The Earl of Warwick had always been the friend of the company ; Gorges had seemed to favour its advancement ;(5) and Lord Dorchester, then one of the secretaries of state, is said(6) to have exerted a powerful influence in its behalf. At last, after much labour and large expenditures,(7) the patent(8) for the company of the Massachusetts Bay passed the seals,—a few days only before Charles I., in a public state-paper, avowed his design of governing without a parliament.

The charter, which bears the signature of Charles I.,

(1) Johnson, b. i. c. ix. Hutchinson's Coll. 51, 52.

(2) Hubbard, 110. Higginson's N. E. Plantation, in i. Mass. Hist. Coll. i. 123. Dudley's Letter.

(3) Charlestown Records, in Prince, 250 ; in Edward Everett's Address, 18, 19. (4) Colony Records.

(5) Prince, 254. Gorges's Description, 25. Gorges's Narrative, c. xxxv.

(6) Document in Chalmers.

(7) Letter in Hazard, i. 237.

(8) The patent is at the State House in Boston, and is printed in *Colony Laws*, in Hutchinson's Coll., and in Hazard.

and which was cherished for more than half a century as the most precious boon, established a corporation, like other corporations within the realm. The associates were constituted a body politic by the name of the Governor and Company of the Massachusetts Bay in New England. The administration of its affairs was intrusted to a governor, deputy, and eighteen assistants, who were to be annually elected by the stockholders, or members of the corporation. Four times a year, or oftener if desired, a general assembly of the freemen was to be held; and to these assemblies, which were invested with the necessary powers of legislation, inquest, and superintendence, the most important affairs were referred. No provision required the assent of the king to render the acts of the body valid; in his eye it was but a trading corporation, not a civil government; its doings were esteemed as indifferent as those of any guild or company in England: and if powers of jurisdiction in America were conceded, it was only from the nature of the business in which the stockholders were to engage.

For the charter designedly granted great facilities for colonization. It allowed the company to transport to its American territory any persons, whether English or foreigners, who would go willingly, would become lieges of the English king, and were not restrained "by especial name." It empowered, but it did not require, the governor to administer the oaths of supremacy and allegiance; yet the charter, according to the strict rules of legal interpretation,⁽¹⁾ was far from conceding to the patentees the privilege of freedom of worship. Not a single line alludes to such a purpose; nor can it be implied by a reasonable construction from any clause. The omission of an express guaranty left religious liberty unprovided for and unprotected. The instrument confers on the colonists the rights of English subjects; it does not confer on them new and greater rights. On the contrary, they are strictly forbidden to make laws or ordinances repugnant to the laws and statutes of the realm of England. The express concession of power to administer the oath of supremacy, demonstrates that universal religious toleration was not designed; and the freemen of the corporation, it should be remembered, were not at that time separatists. Even *Higginson*, and *Hooker*, and *Cotton*, were still ministers

(1) *Story's MS. Opinion.*

of the Church of England; nor could the patentees foresee, nor the English government anticipate, how wide a departure from English usages would grow out of the emigration of Puritans to America.(1)

Considering the subject from the historical point of view, it must be observed, that the establishment of Episcopacy in New England, as the religion of the state, was impossible; since the character of the times was a guaranty that the immense majority of emigrants would prove its uncompromising opponents. Episcopacy had no motive to emigrate; it was Puritanism, almost alone, that came over, and freedom of Puritan worship was necessarily the purpose and the result of the colony. If the privilege could not have been established as a legal right, it followed so clearly from the facts, that, in 1662, the sovereign of England, probably with the assent and at the instance of Clarendon, declared "the principle and foundation of the charter of Massachusetts to be the freedom of liberty of conscience."(2)

The political condition of the colonists was not deemed by King Charles a subject worthy of his consideration. Full legislative and executive authority was conferred, not on the emigrants, but on the company, of which the emigrants could not be active members, so long as the charter of the corporation remained in England. The associates in London were to establish ordinances, to settle forms of government, to name all necessary officers, to prescribe their duties, and to establish a criminal code. Massachusetts was not erected into a province, to be governed by laws of its own enactment; it was reserved for the corporation to decide what degree of civil rights its colonists should enjoy. The charter on which the freemen of Massachusetts succeeded in erecting a system of independent representative liberty, did not secure to them a single privilege of self-government; but left them, as the Virginians had been left, without one valuable franchise, at the mercy of a corporation within the realm. This was so evident, that some of those who had already emigrated clamoured that they were become slaves.(3)

It was equally the right of the corporation to establish

(1) The editor of Winthrop did me the kindness to read to me unpublished letters, which are in his possession, and which prove that the Puritans in England were amazed, as well as alarmed, at the boldness of their brethren in Massachusetts.

(2) Document in Hutch. Coll. 378.

(3) Hazard, 1. 287.

the terms on which new members should be admitted to its freedom. Its numbers could be enlarged or changed only by its own consent.

It was perhaps implied, though it was not expressly required, that the affairs of the company should be administered in England; yet the place for holding the courts was not specially appointed. What if the corporation should vote the emigrants to be freemen, and call a meeting beyond the Atlantic? What if the governor, deputy, assistants, and freemen, should themselves emigrate, and thus break down the distinction between the colony and the corporation? The history of Massachusetts is the counterpart of that of Virginia; the latter obtained its greatest liberty by the abrogation of the charter of its company; the former by a transfer of its charter, and a daring construction of its powers by the successors of the original patentees.

The charter had been granted in March; in April preparations were hastening for the embarkation of new emigrants. The government which was now established for Massachusetts merits commemoration, though it was never duly organized. It was to consist of a governor and counsellors, of whom eight out of the thirteen were appointed by the corporation in England; three were to be named by these eight: and, as it was said, to remove all grounds of discontent, the choice of the remaining two counsellors was granted to the colonists as a liberal boon. The board, when thus constituted, was invested with all the powers of legislation, justice, and administration. Such was the inauspicious dawn of civil and religious liberty on the Bay of Massachusetts.(1)

Benevolent instructions to Endicott were at the same time issued. "If any of the salvages"—such were the orders long and uniformly followed in all changes of government, and placed on record more than half a century before William Penn proclaimed the principles of peace on the borders of the Delaware—"pretend right of inheritance to all or any part of the lands granted in our patent, we pray you endeavour to purchase their title, that we may avoid the least scruple of intrusion." "Particularly publish, that no wrong or injury be offered to the natives."(2)

(1) Colonial Records. Hazard, i. 256—268, and 269—271. Bentley, in *Mass. Hist. Coll.* vi. 235, 236.

(2) Hazard, i. 263, 271.

The departure of the fleet for America was now anxiously desired. The colonists were to be cheered by the presence of religious teachers; and the excellent and truly catholic Francis Higginson, an eminent non-conforming minister, receiving an invitation to conduct the emigrants, esteemed it as a call from Heaven.(1) The propagation of the gospel among the heathen was earnestly desired; in pious sincerity it was resolved if possible to redeem these wrecks of human nature; the colony seal was an Indian, erect, with an arrow in his right hand, and the motto, "Come over and help us;"(2)—a device of which the appropriateness has been lost by the modern substitution of the favourite line of Algernon Sidney;—and three additional ministers attended the expedition. The company of emigrants was winnowed before sailing, and servants of ill life were discharged. "No idle drone may live amongst us,"(3) was the spirit as well as the law of the dauntless community, which was to turn the sterility of New England into a cluster of wealthy states.

As the ships were bearing Higginson and his followers out of sight of their native land, they remembered it, not as the scene of their sufferings from intolerance, but as the home of their fathers, and the dwelling-place of their friends. They did not say "Farewell, Babylon! farewell, Rome! but FAREWELL, DEAR ENGLAND!"(4)

It was in the last days of June that the little band of two hundred arrived at Salem, where the "corruptions of the English church" were never to be planted, and where a new "reformation" was to be reduced to practice. They found neither church nor town; eight or ten pitiful hovels, one more stately tenement for the governor, and a few corn-fields, were the only proofs that they had been preceded by their countrymen. The whole body of old and new planters now amounted to three hundred, of whom one-third joined the infant settlement at Charlestown.(5)

To the great European world the few tenants of the mud-hovels and log-cabins at Salem might appear too insignificant to merit notice; to themselves they were as the chosen emissaries of God; outcasts from England, yet

(1) Hutchinson's Coll. 24, 25. Hubbard, 112.

(2) Douglass, i. 409. Douglass is almost as rash as Oldmixon.

(3) Hazard, i. 283, 284, 286.

(4) Mather, b. iii. c. i. a. 12.

(5) Higginson's whole account is, of course, the highest authority. See Hutchinson's Collection, 32—50, and i. Mass. Hist. Coll. i. 117—124. Charlestown Records, in Prince, 261.

favourites with Heaven; destitute of security, of convenient food and shelter, and yet blessed beyond all mankind, for they were the depositaries of the purest truth, and the selected instruments to kindle in the wilderness the beacon of pure religion, of which the undying light should not only penetrate the wigwams of the heathen, but spread its benignant beams across the darkness of the whole civilized world. The emigrants were not so much a body politic, as a church in the wilderness, with no benefactor around them but nature, no present sovereign but God. An entire separation was made between state and church; religious worship was established on the basis of the independence of each separate religious community; all officers of the church were elected by its members; and these rigid Calvinists, of whose rude intolerance the world has been filled with malignant calumnies, subscribed a covenant, cherishing, it is true, the severest virtues, but without one tinge of fanaticism. It was an act of piety, not of study; it favoured virtue, not superstition; inquiry, and not submission. The people were enthusiasts, but not bigots.(1) The church was self-constituted.(2) It did not ask the assent of the king, or recognize him as its head; its officers were set apart and ordained among themselves;(3) it used no liturgy; it rejected unnecessary ceremonies, and reduced the simplicity of Calvin to a still plainer standard. The motives which controlled their decisions were so deeply seated in the character of their party, that the doctrine and discipline established at Salem remained the rule of Puritan New England.

There existed, even in this little band, a few to whom the new system was unexpected, and in John and Samuel Browne they found able leaders. Both were members of the colonial council; both were reputed "sincere in their affection for the good of the plantation;" they had been favourites of the corporation in England; and one of them, an experienced lawyer, had been a member of the board of assistants in London. They refused to unite with the public assembly, and, resting on the authority of English law, and their rights under the charter, they

(1) See the covenant in Neal's N. E., i. 141—143, and in Bentley's Salem, App. No. iv.

(2) Hubbard, 116—120. Prince, 263, 264. Neal's N. England, i. 144.

(3) Felt's Annals of Salem, 573—an accurate and useful work, the fruit of much original research.

gathered a company, in which "the Common Prayer worship" was upheld. But should the emigrants—thus the colonists reasoned—give up the very purpose for which they had crossed the Atlantic? Should the hierarchy intrude on their devotions in the forests of Massachusetts? They deemed the co-existence of their liberty and of prelacy impossible: anticipating invasions of their rights, they feared the adherents of the Establishment, as spies in the camp; and the form of religion from which they had suffered was therefore repelled, not as a sect, but as a tyranny. "You are Separatists," said the Brownes, in self-defence, "and you will shortly be Anabaptists." "We separate," answered the ministers, "not from the Church of England, but from its corruptions. We came away from the Common Prayer and Ceremonies, in our native land, where we suffered much for non-conformity: in this place of liberty we cannot, we will not, use them. Their imposition would be a sinful violation of the worship of God." The governor, whose self-will was inflamed by fanaticism, and whose religious antipathies persecution had matured into hatred, the council and the people applauded; the adherents of Episcopacy were in their turn rebuked as separatists; their plea was reproved as sedition, their worship forbidden as a mutiny; while the Brownes, who could not be terrified into silence, were seized like criminals, and in the returning ships, were transported to England. They were banished from Salem because they were Churchmen. Thus was Episcopacy first professed in Massachusetts, and thus was it exiled. The blessings of the promised land were to be kept for Puritanic dissenters.

1629, Winter brought disease and the sufferings incident
1630. to early settlements. Above eighty—almost half of the emigrants—died before spring, lamenting only that they were removed from the world before beholding the perfect establishment of their religion. Higginson himself fell a victim to a hectic fever; in the hour of death, the future prosperity of New England, and the coming glories of its many churches, floated in cheering visions before his eyes.

The Brownes, returning to England, breathed in
1629. effectual menaces. The ships also carried with them a description of New England by Higginson,—a tract of which three editions were published within a few months.

so intense an interest in the new colony had been diffused throughout the realm.

For the concession of the Massachusetts charter seemed to the Puritans like a summons from Heaven inviting them to America. There the gospel might be taught in its purity, and the works of nature would alone be the safe witnesses of their devotions. England, by her persecutions, proved herself weary of her inhabitants, who were esteemed more vile than the earth on which they trod. Habits of expense degraded men of moderate fortune; and even the schools, which should be the fountains of living waters, had become corrupt. The New World shared in the providence of God; it had claims, therefore, to the benevolence and exertions of man. What nobler work than to abandon the comforts of England, and plant the church in a remote land, into which the advocates of false religion should never penetrate?

But was it right, a scrupulous conscience demanded, to fly from persecutions? Yes, they answered, for persecutions might lead their posterity to abjure the truth. The certain misery of their wives and children was the most gloomy of their forebodings; and it must have been a stern sense of duty which could command the powerful emotions of nature to be silent, and set aside all considerations of physical evils as the fears of too carnal minds. The rights of the natives offered an impediment more easily removed; much land had been desolated by the plague, and the good leave of the Indians might be purchased. The ill success of other plantations could not chill the rising enthusiasm; former enterprise had aimed at profit, the present object was purity of religion; the earlier settlements had been filled with a lawless multitude, it was now proposed to form "a peculiar government," and to colonize "THE BEST." Such were the "Conclusions" (1) which were privately circulated among the Puritans of England.

On the suggestion of the generous Matthew Cradock, the governor of the company, (2) it was proposed that the charter should be transferred to those of the freemen who should themselves inhabit the colony; and the question im-

(1) Hutchinson's Collect. 27—31, Mather, b. i. c. iv. s. 5.

(2) Prince, 262. Savage on Winthrop, i. 2. I have carefully consulted the Colony Records, which are, in general, in a good state of preservation, and which are diffuse on the subject of the transfer of the charter.

mediately became the most important that could be debated. An agreement was at once formed at Cambridge, in England, between men of fortune and education, that they would themselves embark for America, if, before the last of September, the whole government should be legally transferred to them and the other freemen of the company who should inhabit the plantation.(1) The plan was sufficient to excite in the family of John Winthrop, and in many of the purest men in England, the desire to emigrate. "I shall call that my country," said the younger Winthrop to his father, "where I may most glorify God, and enjoy the presence of my dearest friends. Therefore herein I submit myself to God's will and yours, and dedicate myself to God and the company, with the whole endeavours, both of body and mind. The Conclusions which you sent down are unanswerable; and it cannot but be a prosperous action which is so well allowed by the judgments of God's prophets, undertaken by so religious and wise worthies in Israel, and indented to God's glory in so special a service."(2) Two days after the contract had been executed, the subject was again brought before the court. A serious debate ensued, and continued the next day, when it was fully and with general consent declared, that the government and the patent should be transferred beyond the Atlantic, and settled in New England.(3)

This vote was simply a decision of the question where the future meetings of the company should be held; and yet it effectually changed a commercial corporation into an independent provincial government. The measure was believed to be consistent with the principles of the charter. The corporation did not sell itself; the corporation emigrated. They could not assign the patent; but they could call a legal meeting at London or on board ship in an English harbour; and why not in the port of Salem as well as at the Isle of Wight? in a cabin or under a tree at Charlestown as well as at the house of Goffe in London? The propriety of the measure in a juridical point of view has been questioned.(4) "The charter,"

(1) Hutchinson's Coll. 25, 26.

(2) Winthrop, i. 359, 360. The publicity of the admirable letter is due to Savage.

(3) Records, i. 31; "soe far as it may be done legally." Yet, Sept. 29, 1629, a committee was raised "to take advice of Learned Counsell, whether the same may be legally done or no." Records, i. 33.

(4) *Story's MS. Opinion.*

said the government of Charles II. in 1679, "was originally to have been executed in the kingdom;" yet, two years before, the Chief-Justices Rainsford and North described the "charter as making the adventurers a corporation upon the place." Similar patents were granted by the Long Parliament and Charles II., to be exercised in Rhode Island and Connecticut; Baltimore and Penn long resided on their domains; and the Pilgrims brought with them a patent, which, it is true, had not passed the seals, but which was invalid for a very different reason. But, whatever may be thought of the legality of the transfer of the charter, it certainly conferred no new franchises or power on the emigrants, unless they were already members of the company; it admitted no new freemen; it gave to Massachusetts a present government; but the corporation, though it was to meet in New England, retained in its full integrity the chartered right of admitting freemen according to its pleasure. The manner in which that power was to be exercised would control the early political character of Massachusetts.

At the court convened for the purpose of appointing officers who would emigrate, John Winthrop, a man approved for piety, liberality, and conduct, was chosen 1630. governor, and the whole board of assistants selected for America. Yet, as the hour of departure drew near, the consciousness of danger spread such terrors, that even the hearts of the strong began to fail. One and another of the magistrates declined. It became necessary to hold a court at Southampton for the election of three substitutes among the assistants; and of these three one never came over. Even after they had embarked, a court was held on board the *Arbella*, and Thomas Dudley was chosen deputy-governor in the place of Humphrey, who staid behind. Dudley emigrated, and had hardly reached America before he repented that he had come; the country had been described in too favourable colours. It was principally the calm decision of Winthrop which sustained the courage of his companions. In him a yielding gentleness of temper was secured against weakness by deep but tranquil enthusiasm. "Parent-like, distributing his goods to brethren and neighbours at his first coming," and for the welfare of Massachusetts, cheerfully encountering poverty and premature age; his lenient benevolence could temper, if not subdue, the bigotry of his

times. An honest royalist, averse to pure democracy, yet firm in his regard for existing popular liberties; in England a conformist, yet loving "gospel purity" even to Independency; in America mildly aristocratic, advocating a government of "the least part," yet desiring that part to be "the wiser of the best;" disinterested, brave, and conscientious—his character marks the transition of the reformation into avowed republicanism; when the sentiment of loyalty, still sacredly cherished, was gradually yielding to the irresistible spirit of civil freedom.

The whole number of ships employed during the season was seventeen; and they carried over not far from fifteen hundred souls. About eight hundred—all of them Puritans, inclined to the party of the Independents; many of them men of high endowments, large fortune, and the best education; scholars, well versed in all the learning of the times; clergymen, who ranked among the most eloquent and pious in the realm—embarked with Winthrop for their asylum, bearing with them the charter which was to be the basis of their liberties. The land was planted with a noble vine, wholly of the right seed. Religion did not expel the feelings of nature; before leaving Yarmouth they published to the world the grounds of their removal, and bade an affectionate farewell to the Church of England and to the land of their nativity. "Our hearts," say they, "shall be fountains of tears for your everlasting welfare, when we shall be in our poor cottages in the wilderness."

The emigrants were a body of sincere believers, desiring purity of religion, and not a colony of philosophers, bent upon universal toleration. Reverence for their faith led them to a new hemisphere, where distance might protect them from inquisition; to a soil of which they had purchased the exclusive possession, with a charter of which they had acquired the entire control; for the sake of reducing to practice the doctrines of religion and the forms of civil liberty, which they cherished more than life itself. They constituted a corporation to which they themselves might establish, at their pleasure, the terms of admission. They held in their own hands the key to their asylum, and maintained their right of closing its doors against the enemies of its harmony and its safety.

In June and July, the ships which bore Winthrop and his immediate companions arrived to a scene of gloom; such of the earlier emigrants as had survived the previous

winter were poor and weak from sickness ; their corn and bread were hardly enough for a fortnight's supply. Instead of offering a welcome, they thronged to the new comers to be fed. Nearly two hundred servants, who had been sent over at a great expense, received their liberty, free from all engagements : their labour—such was the excessive scarcity—was worth less than the cost of their maintenance.

The selection of places for the new plantations became the immediate care. The bay and the adjoining rivers were examined ; if Charlestown was the place of the first sojourning, it was not long before the fires of civilization, never more to be quenched, were kindled in Boston and the adjacent villages. Boston, especially, had "sweet and pleasant springs," "and good land, affording rich corn-fields and fruitful gardens." The dispersion of the company was esteemed a grievance ; but no time was left for long deliberation, and those who had health began to build. Yet sickness delayed the progress of the work ; and death often withdrew the labourer from the fruit of his exertions. Every hardship was encountered. The emigrants lodged at best in tents of cloth and in miserable hovels ; they beheld their friends "weekly, yea, almost daily, drop away before their eyes ;" in a country abounding in secret fountains, they perished for the want of good water. Many of them had been accustomed to plenty and ease, the refinements of cultivated life, and the conveniences of luxury. Woman was there to struggle against unforeseen hardships, unwonted sorrows ; the men, who defied trials for themselves, were miserable at beholding those whom they cherished dismayed at the horrors which encompassed them. The virtues of Arbella Johnson, a daughter of the house of Lincoln, could not break through the gloomy shadows that surrounded her ; and as she had been ill before her arrival, grief soon hurried her to the grave. Her husband, one of the first men in the colony, zealous for pure religion, in life "the greatest furtherer of the plantation," and by his bequests a benefactor of the infant state, was subdued by the force of disease and afflictions ; but "he died willingly and in sweet peace," making a "most godly end." Winthrop lost a son, though not by disease. A hundred or more, some of *them* of the board of assistants, men who had enjoyed *high consideration*, and had been revered with confidence

as the inseparable companions of the common misery or the common success, disheartened by the scenes of woe, and dreading famine and death, deserted Massachusetts, and sailed for England. Before December, two hundred, at the least, had died. Yet, as the brightest lightnings are kindled in the darkest clouds, the general distress did but augment the piety and confirm the fortitude of the colonists. Their enthusiasm was softened by the mildest sympathy with suffering humanity; while a sincere religious faith kept guard against despondency and weakness. Not a hurried line, not a trace of repining, appears in their records; the congregations always assembled at the stated times, whether in the open fields or under the shade of an ancient tree; in the midst of want they abounded in hope; in the solitudes of the wilderness, they believed themselves in company with the Greatest, the most Benevolent of Beings. Honour is due not less to those who perished than to those who survived; to the martyrs the hour of death was an hour of triumph, such as is never witnessed in more tranquil seasons, just as there can be no gorgeous sunset but when the vapours of evening gather in heavy masses round the west, to reflect the glories of declining day. For that placid resignation, which diffuses grace round the bed of sickness, and makes death too serene for sorrow and too beautiful for fear, no one was more remarkable than the daughter of Thomas Sharp, whose youth and sex, and, as it seemed, unequalled virtues, won the warmest eulogies of the austere Dudley. Even children caught the spirit of the place, and in their last hours awoke to the awful mystery of the impending change, awaited its approach in the tranquil confidence of faith, and went to the grave full of immortality. The survivors bore all things meekly, "remembering the end of their coming hither." "We here enjoy God and Jesus Christ," wrote Winthrop to his wife, whom pregnancy had detained in England, "and is not this enough? I thank God I like so well to be here, as I do not repent my coming. I would not have altered my course though I had foreseen all these afflictions. I never had more content of mind."

Such were the scenes in the infant settlements of Massachusetts. In the two following years the colony had not even the comfort of receiving large accessions. In 1631, ninety only came over; a smaller number than had *returned the preceding year*. In 1632, no more than two

hundred and fifty arrived. Men dreaded the hazards of the voyage and the wilderness, and waited to learn the success of the first adventurers. Those who had deserted excused their cowardice by defaming the country. Dudley wrote plainly of the hardships to be encountered; and, moreover, the apprehension was soon raised, and never quieted, that the liberties of the colonists would be subverted by the government in England.

Purity of religion and civil liberty were the objects nearest the wishes of the emigrants. The first court of assistants took measures for the support of the ministers. As others followed, the form of the administration was considered; that the liberties of the people might be secured against the encroachments of the rulers; "for," say they, "the waves of the sea do not more certainly waste the shore, than the minds of ambitious men are led to invade the liberties of their brethren." By the charter, fundamental laws were to be enacted in the assembly of all the freemen of the colony; and a general court was accordingly convened at Boston to settle the government. More than one hundred persons, many of them old planters and members of no church, were admitted to the franchises of the corporation; the inconvenience of gathering the whole body for the purposes of legislation became but the greater and the more apparent; and the people did but reserve to themselves the right of filling such vacancies as might occur in the board of assistants. Thus the government became, for a season, an elective aristocracy; the magistrates, holding their offices for no limited period, were to choose the governor and deputy from among themselves, and were intrusted with every branch of political power.

1631. This arrangement was temporary. At the next general court, convened late in May, after "the corn was set," the freemen, scarce one hundred and fifty in number, revoking a part of the authority of which they had been too lavish, reserved to the commons the right of annually making in the board such changes as a majority should desire. Should the right not be exercised, the former magistrates remained in power. And a law of still greater moment, pregnant with evil and with good, was at the same time established. "To the end the body of the commons may be preserved of honest and good men, it was ordered and agreed, that, for the time to come, no

man shall be admitted to the freedom of this body politic, but such as are members of some of the churches within the limits of the same." Thus was the elective franchise narrowed. The polity was a sort of theocracy; God himself was to govern his people; and the select band of religious votaries—the men whose names an immutable decree had registered from eternity as the objects of divine love, whose election had been manifested to the world by their conscious experience of religion in the heart, whose union was confirmed by the most solemn compact formed with Heaven and one another, around the memorials of a crucified Redeemer—were, by the fundamental law of the colony, constituted the oracle of the divine will. An aristocracy was founded, but not of wealth. The servant, the bondman, might be a member of the church, and therefore a freeman of the company. Other states have limited the possession of political rights to the opulent, to freeholders, to the first-born; the Calvinists of Massachusetts, scrupulously refusing to the clergy the least shadow of political power, established the reign of the visible church—a commonwealth of the chosen people in covenant with God.

The dangers apprehended from England seemed to require a union consecrated by the holiest rites. The public mind of the colony was in other respects ripening for democratic liberty. It could not rest satisfied with leaving the assistants in possession of all authority, and of an almost independent existence; and the magistrates, with the exception of the passionate Ludlow, were willing to yield. 1632. It was therefore agreed, at the next general court, that the governor and assistants should be annually chosen. The people, satisfied with the recognition of their right, re-elected their former magistrates with silence and modesty. The germ of a representative government was already visible; each town was ordered to choose two men, to appear at the next court of assistants, and concert a plan for a public treasury. The measure had become necessary; for a levy, made by the assistants alone, had already awakened alarm and opposition.

While a happy destiny was thus preparing for Massachusetts a representative government, relations of friendship were established with the natives. From the 1631. banks of the Connecticut came the sagamore of the *Mohegans*, to extol the fertility of his country, and solicit

an English plantation as a bulwark against the Pequods; the nearer Nipmucks invoked the aid of the emigrants against the tyranny of the Mohawks; the son of the aged

1632. Canonicus exchanged presents with the governor, and Miantonómoh himself, the great warrior of the Narragansetts, the youthful colleague of Canonicus, became a guest at the board of Winthrop, and was present with the congregation at a sermon from Wilson.

1634. At last a Pequod sachem, with great store of wampumpeag, and bundles of sticks in promise of so many beaver and otter skins, also came to solicit the English alliance and mediation.

Intercourse was also cherished with the earlier European settlements. To perfect friendship with the Pilgrims,

1632. the governor of Massachusetts, with Wilson, pastor of Boston, repaired to Plymouth. From the south shore of Boston harbour, it was a day's journey, for they travelled on foot. In honour of the great event, Bradford and Brewster, the governor and elder of the Old Colony, came forth to meet them, and conduct them to the town, where they were kindly entertained and feasted. "On the Lord's day, they did partake of the sacrament; in the afternoon, a question was propounded for discussion; the pastor spoke briefly; the teacher prophesied; the governor of Plymouth, the elder, and others of the congregation, took part in the debate, which, by express desire, was closed by the guests from Boston. Thus was fellowship confirmed with Plymouth. From the Chesapeake a rich freight of corn had already been received, and trade was begun with the Dutch at Hudson's River.

These better auspices, and the invitations of Winthrop, won new emigrants from Europe. During the long summer voyage of the two hundred passengers, who 1633. freighted the Griffin, three sermons a day beguiled their weariness. Among them was Haynes, a man of very large estate, and larger affections; of a "heavenly" mind, and a spotless life; of rare sagacity, and accurate but unassuming judgment; by nature tolerant, ever a friend to freedom, ever conciliating peace; an able legislator; dear to the people by his benevolent virtues and his disinterested conduct. Then also came the most revered spiritual teachers of two commonwealths—the acute and subtle Cotton, the son of a Puritan lawyer; eminent

at Cambridge as a scholar; quick in the nice perception of distinctions, and pliant in dialectics; in manner persuasive rather than commanding; skilled in the fathers and the schoolmen, but finding all their wisdom compactly stored in Calvin; deeply devout by nature as well as habit from childhood; hating heresy and still precipitately eager to prevent evil actions by suppressing ill opinions, yet verging towards a progress in truth and in religious freedom; an avowed enemy to democracy, which he feared as the blind despotism of animal instincts in the multitude, yet opposing hereditary power in all its forms; desiring a government of moral opinion, according to the laws of universal equity, and claiming "the ultimate resolution for the whole body of the people:"—and Hooker, of vast endowments, a strong will, and an energetic mind; ingenuous in his temper, and open in his professions; trained to benevolence by the discipline of affliction; versed in tolerance by his refuge in Holland; choleric, yet gentle in his affections; firm in his faith, yet readily yielding to the power of reason; the peer of the reformers, without their harshness; the devoted apostle to the humble and the poor, severe towards the proud, mild in his soothing of a wounded spirit, glowing with the raptures of devotion, and kindling with the messages of redeeming love; his eye, voice, gesture, and whole frame animate with the living vigour of heartfelt religion; public-spirited and lavishly charitable; and, "though persecutions and banishments had awaited him as one wave follows another," ever serenely blessed with "a glorious peace of soul;" fixed in his trust in Providence, and in his adhesion to that cause of advancing civilization, which he cherished always, even while it remained to him a mystery. This was he, whom, for his abilities and services, his contemporaries placed "in the first rank" of men; praising him as "the one rich pearl, with which Europe more than repaid America for the treasures from her coast." The people to whom Hooker ministered had preceded him; as he landed, they crowded about him with their welcome. "Now I live"—exclaimed he, as with open arms he embraced them—"now I live, if ye stand fast in the Lord."

Thus recruited, the little band in Massachusetts grew more jealous of its liberties. "The prophets in exile see the true forms of the house." By a common impulse,

the freemen of the towns chose deputies to consider in advance the duties of the general court. The charter¹⁶³⁴ plainly gave legislative power to the whole body of the freemen; if it allowed representatives, thought Winthrop, it was only by inference; and as the whole people could not always assemble, the chief power, it was argued, lay necessarily with the assistants.

Far different was the reasoning of the people. To check the democratic tendency, Cotton, on the election-day, preached to the assembled freemen against rotation in office. The right of an honest magistrate to his place was like that of a proprietor to his freehold. But the electors, now full three hundred and eighty in number, were bent on exercising "their absolute power," and, reversing the decision of the pulpit, chose a new governor and deputy. The mode of taking the votes was at the same time reformed; and instead of the erection of hands, the ballot-box was introduced. Thus "the people established a reformation of such things as they judged to be amiss in the government."

It was further decreed, that the whole body of the freemen should be convened only for the election of the magistrates; to these, with deputies to be chosen by the several towns, the powers of legislation and appointment were henceforward intrusted. The trading corporation was unconsciously become a representative democracy.

The law against arbitrary taxation followed. None but the immediate representatives of the people might dispose of lands or raise money. Thus early did Massachusetts echo the voice of Virginia; like the mountain replying to the thunder, or like deep calling unto deep. The state was filled with the hum of village politicians; "the freemen of every town in the bay were busy in inquiring into their liberties and privileges." With the exception of the principle of universal suffrage, now so happily established, the representative democracy was as perfect two centuries ago as it is to-day. Even the magistrates, who acted as judges, held their office by the annual popular choice. "Elections cannot be safe there long," said the lawyer Lechford. The same prediction has been made these two hundred years. The public mind, ever in perpetual agitation, is still easily shaken, even by slight and transient impulses; but after all its vibrations, it follows the laws of the moral world, and safely recovers its balance.

To limit the discretion of the executive, the people next demanded a written constitution; and a commission was appointed "to frame a body of grounds of laws ^{1635.} in resemblance to a magna charta, to serve as a bill of rights. The ministers, as well as the general court, were to pass judgment on the work; and, with partial success, Cotton urged that God's people should be governed by the laws from God to Moses.

The relative powers of the assistants and the deputies remained for nearly ten years the subject of discussion ^{1634.} and contest. Both were elected by the people; the ^{1644.} former by the whole colony, the latter by the several towns. The two bodies acted together in convention; but the assistants claimed and exercised the further right of a separate negative vote on all joint proceedings. The popular branch resisted; yet the authority of the patricians was long maintained, sometimes by wise delay, ^{1644.} sometimes by "a judicious sermon;" till, at last, a compromise divided the court into two branches, and gave to each a negative on the other.

The controversy had required the arbitrament of the elders; for the rock on which the state rested was religion; a common faith had gathered, and still bound the people together. They were exclusive, for they had come to the outside of the world for the privilege of living by themselves. Fugitives from persecution, they shrank from contradiction as from the approach of peril. And why should they open their asylum to their oppressors? Religious union was made the bulwark of the exiles against expected attacks from the hierarchy of England. The wide continent of America invited colonization; they claimed their own narrow domains for "the brethren." Their religion was their life; they welcomed none but its adherents; they could not tolerate the scoffer, the infidel, or the dissenter; and the whole people met together in their congregations. Such was the system, cherished as the stronghold of their freedom and their happiness. "The order of the churches and the commonwealth," wrote Cotton to friends in Holland, "is now so settled in New England by common consent, that it brings to mind the new heaven and new earth wherein dwells righteousness."

While the state was thus connecting by the closest bonds the energy of its faith with its form of government, there

appeared in its midst one of those clear minds, which sometimes bless the world by their power of receiving moral truth in its purest light, and of reducing the just conclusions of their principles to a happy and consistent practice. In February of the first year of the 1631. colony, but a few months after the arrival of Winthrop, and before either Cotton or Hooker had embarked for New England, there arrived at Nantasket, after a stormy passage of sixty-six days, "a young minister, godly and zealous, having precious" gifts. It was Roger Williams. He was then but a little more than thirty years of age; but his mind had already matured a doctrine which secures him an immortality of fame, as its application has given religious peace to the American world. He was a Puritan, and a fugitive from English persecution; but his wrongs had not clouded his accurate understanding; in the capacious recesses of his mind he had revolved the nature of intolerance, and he, and he alone, had arrived at the great principle which is its sole effectual remedy. He announced his discovery under the simple proposition of the sanctity of conscience. The civil magistrate should restrain crime, but never control opinion; should punish guilt, but never violate the freedom of the soul. The doctrine contained within itself an entire reformation of theological jurisprudence: it would blot from the statute-book the felony of non-conformity; would quench the fires that persecution had so long kept burning; would repeal every law compelling attendance on public worship; would abolish tithes and all forced contributions to the maintenance of religion; would give an equal protection to every form of religious faith; and never suffer the authority of the civil government to be enlisted against the mosque of the Mussulman or the altar of the fire-worshipper, against the Jewish synagogue or the Roman cathedral. It is wonderful with what distinctness Roger Williams deduced these inferences from his great principle, the consistency with which, like Pascal and Edwards, those bold and profound reasoners on other subjects, he accepted every fair inference from his doctrines, and the circumspection with which he repelled every unjust imputation. In the unwavering assertion of his views he never changed his position; the sanctity of conscience was the great tenet, which, with all its consequences, he defended, as he first

trod the shores of New England; and in his extreme old age it was the last pulsation of his heart. But it placed the young emigrant in direct opposition to the whole system on which Massachusetts was founded; and gentle and forgiving as was his temper, prompt as he was to concede everything which honesty permitted, he always asserted his belief with temperate firmness and unbending benevolence.

So soon, therefore, as Williams arrived in Boston, he found himself among the New England churches, but not of them. They had not yet renounced the use of force in religion; and he could not with his entire mind adhere to churches which retained the offensive features of English legislation. What, then, was the commotion in the colony, when it was found that the people of Salem desired to receive him as their teacher! The court of Boston "marvelled" at the precipitate decision, and the people of Salem were required to forbear. Williams withdrew to the settlement of Plymouth, and remained there about two years. But his virtues had won the affections of the church of Salem: and the apostle of intellectual liberty was once more welcomed to their confidence. He remained the object of public jealousy. How mild was his conduct is evident from an example. He had written an essay on the nature of the tenure by which the colonists held their lands in America; and he had argued that an English patent could not invalidate the rights of the native inhabitants. The opinion sounded, at first, like treason against the cherished charter of the colony; Williams desired only that the offensive manuscript might be burned; and so effectually explained its purport, that the court applauded his temper, and declared "that the matters were not so evil, as at first they seemed."⁽¹⁾

But the principles of Roger Williams led him into perpetual collision with the clergy and the government of Massachusetts. It had ever been their custom to respect the church of England, and in the mother country they frequented its service without scruple; yet its principles and its administration were still harshly exclusive. Wil-

(1) I derive the account of Roger Williams, in Massachusetts, exclusively from the Colony Records, Winthrop, John Cotton's diffuse quarto, and the letters and writings of Roger Williams himself. Yet I have carefully compared all that has been published about him by Hubbard, C. Mather, Prince, Callender, Hopkins, Backus, Bentley, Eliot, Dwight, Allen, Davis on *Maxton*, *Savage* on Winthrop, Eddy, Felt, Upham, Knowles.

liams would hold no communion with intolerance; for, said he, "the doctrine of persecution for cause of conscience is most evidently and lamentably contrary to the doctrine of Christ Jesus."

The magistrates insisted on the presence of every man at public worship; Williams reprobated the law; the worst statute(1) in the English code was that which did but enforce attendance upon the parish church. To compel men to unite with those of a different creed, he regarded as an open violation of their natural rights; to drag to public worship the irreligious and the unwilling, seemed only like requiring hypocrisy. "An unbelieving soul is dead in sin,"—such was his argument; and to force the indifferent from one worship to another, "was like shifting a dead man into several changes of apparell." "No one should be bound to worship, or," he added, "to maintain a worship, against his own consent." "What!" exclaimed his antagonists, amazed at his tenets, "is not the labourer worthy of his hire?" "Yes," replied he, "from them that hire him."

The magistrates were selected exclusively from the members of the church; with equal propriety, reasoned Williams, might "a doctor of physick or a pilot" be selected according to his skill in theology and his standing in the church.

It was objected to him, that his principles subverted all good government. The commander of the vessel of state, replied Williams, may maintain order on board the ship, and see that it pursues its course steadily, even though the dissenters of the crew are not compelled to attend the public prayers of their companions.

But the controversy finally turned on the question of the rights and duty of magistrates to guard the minds of the people against corruption, and to punish what would seem to them error and heresy. Magistrates, Williams protested, are but the agents of the people, or its trustees, on whom no spiritual power in matters of worship can ever be conferred; since conscience belongs to the individual, and is not the property of the body politic; and with admirable dialectics clothing the great truth in its boldest and most general forms, he asserted that "the civil magistrate may not intermeddle even to stop a church from apostacy and heresy,"—"that his power extends only to

(1) 35 Elizabeth, c. 1. Statutes, iv. 841.

the bodies and goods and outward estate of men." (1) With corresponding distinctness he foresaw the influence of his principles on society. "The removal of the yoke of soul-oppression,"—to use the words in which, at a later day, he confirmed his early view,—“as it will prove an act of mercy and righteousness to the enslaved nations, so it is of binding force to engage the whole and every interest and conscience to preserve the common liberty and peace.” (2)

The same magistrates who punished Eliot, the apostle of the Indian race, for censuring their measures, could not brook the independence of Williams; and the circumstances of the times seemed to them to justify their apprehensions. An intense jealousy was excited in England against Massachusetts; “members of the Generall Court received intelligence of some episcopal and malignant practices against the country;” and the magistrates on the one hand were scrupulously careful to avoid all unnecessary offence to the English government, on the other were sternly consolidating their own institutions, and even preparing for resistance. It was in this view that the Freeman’s Oath was appointed; by which every free-man was obliged to pledge his allegiance, not to King Charles, but to Massachusetts. There was room for scruples on the subject, and an English lawyer would have questioned the legality of the measure. The liberty of

conscience for which Williams contended, denied the 1635. right of a compulsory imposition of an oath: (3) when he was summoned before the court, he could not renounce his belief; and his influence was such, “that the government was forced to desist from that proceeding.” To the magistrates he seemed the ally of a civil faction; to himself he appeared only to make a frank avowal of the truth. In all his intercourse with the tribunals, he spoke with the distinctness of settled convictions. He was fond of discussion, but he was never betrayed into angry remonstrance.

(1) I quote from a very rare tract of Roger Williams, which, after much search, I was so happy as to find in the hands of the aged Moses Brown, of Providence. It is “Mr. Cotton’s Letter, lately printed, Examined and Answered. By Roger Williams, of Providence, in New England. London. Imprinted in the yeere 1644.” Small 4to. pp. 47. It is preceded by an address of two pages to the Impartial Reader.

(2) R. Williams’s *Hireling Ministry*, 29.

(3) See his opinions, fully reduced to the form of a law, at Providence, in 1647, in *ii. Mass. Hist. Coll. vii. 96*.

If he was charged with pride, it was only for the novelty of his opinions.

The scholar who is accustomed to the pursuits of abstract philosophy, lives in a region of thought far different from that by which he is surrounded. The range of his understanding is remote from the paths of common minds, and he is often the victim of the contrast. It is not unusual for the world to reject the voice of truth, because its tones are strange ; to declare doctrines unsound, only because they are new ; and even to charge obliquity or derangement on the man who brings forward principles which the selfish repudiate. Such has ever been the way of the world ; and Socrates, and St. Paul, and Luther, and others of the most acute dialecticians, have been ridiculed as drivellers and madmen. The extraordinary development of one faculty may sometimes injure the balance of the mind ; just as the constant exercise of one member of the body injures the beauty of its proportions ; or as the exclusive devotedness to one pursuit,—politics for instance, or money,—brushes away from conduct and character the agreeable varieties of light and shade. It is a very ancient remark, that folly has its corner in the brain of every wise man ; and certain it is, that not the poets only, like Tasso, but the clearest minds, Sir Isaac Newton, Pascal, Spinoza, have been deeply tinged with insanity. Perhaps Williams pursued his sublime principles with too scrupulous minuteness ; it was at least natural for Bradford and his contemporaries, while they acknowledged his power as a preacher, to esteem him “unsettled in judgment.”

The court at Boston remained as yet undecided ; when the church of Salem,—those who were best acquainted with Williams,—taking no notice of the recent investigations, elected him to the office of their teacher. Immediately the evils inseparable on a religious establishment began to be displayed. The ministers got together and declared any one worthy of banishment who should obstinately assert that “the civil magistrate might not intermeddle even to stop a church from apostacy and heresy ;” the magistrates delayed action, only that a committee of divines might have time to repair to Salem and deal with him and with the church in a church way. Meantime, the people of Salem were blamed for their choice of a religious guide ; and a tract of land, to which

they had a claim, was withheld from them as a punishment.

The breach was therefore widened. To the ministers Williams frankly, but temperately, explained his doctrines; and he was armed at all points for their defence. As his townsmen had lost their lands in consequence of their attachment to him, it would have been cowardice on his part to have abandoned them; and the instinct of liberty led him again to the suggestion of a proper remedy. In conjunction with the church, he wrote "letters of admonition unto all the churches whereof any of the magistrates were members, that they might admonish the magistrates of their injustice." The church members alone were freemen: Williams, in moderate language, appealed to the people, and invited them to instruct their representatives to do justice to the citizens of Salem.

This last act seemed flagrant treason; (1) and at the next general court, Salem was disfranchised till an ample apology for the letter should be made. The town acquiesced in its wrongs, and submitted; not an individual remained willing to justify the letter of remonstrance; the church of Williams would not avow his great principle of the sanctity of conscience; even his wife, under a delusive idea of duty, was for a season influenced to disturb the tranquillity of his home by her reproaches. (2) Williams was left alone—absolutely alone. Anticipating the censures of the colonial churches, he declared himself no longer subjected to their spiritual jurisdiction. "My own voluntary withdrawing from all these churches, resolved to continue in persecuting the witnesses of the Lord, presenting light unto them, I confess it was mine own voluntary act; yea, I hope the act of the Lord Jesus, sounding forth in me the blast, which shall in his own holy season cast down the strength and confidence of those inventions of men." (3) When summoned to appear before the general court, he avowed his convictions in the presence of the representatives of the state, "maintained the rocky strength of his grounds," and declared himself "ready to be bound and banished, and even to die in New England," rather than renounce the opinions which had dawned upon his mind in the clearness of light. At a time

(1) Cotton calls it *crimen majestatis laesae*.

(2) Master John Cotton's Reply, 9. (3) Cotton's Letter Examined, 3.

when Germany was the battle-field for all Europe in the implacable wars of religion; when even Holland was bleeding with the anger of vengeful factions; when France was still to go through the fearful struggle with bigotry; when England was gasping under the despotism of intolerance; almost half a century before William Penn became an American proprietary; and two years before Descartes founded modern philosophy on the method of free reflection,—Roger Williams asserted the great doctrine of intellectual liberty. It became his glory to found a state upon that principle, and to stamp himself upon its rising institutions, in characters so deep that the impress has remained to the present day, and can never be erased without the total destruction of the work. The principles which he first sustained amidst the bickerings of a colonial parish, next asserted in the general court of Massachusetts, and then introduced into the wilds on Narragansett Bay, 1644. he soon found occasion to publish to the world, and to defend as the basis of the religious freedom of mankind; so that, borrowing the rhetoric employed by his antagonist in derision, we may compare him to the lark, the pleasant bird of the peaceful summer, that, “affecting to soar aloft, springs upward from the ground, takes his rise from pale to tree,” and at last, surmounting the highest hills, utters his clear carols through the skies of morning.(1) He was the first person in modern Christendom to assert in its plenitude the doctrine of the liberty of conscience,—the equality of opinions before the law; and in its defence he was the harbinger of Milton,—the precursor and the superior of Jeremy Taylor. For Taylor limited his toleration to a few Christian sects; the philanthropy of Williams compassed the earth: Taylor favoured partial reform, commended lenity, argued for forbearance, and entered a special plea in behalf of each tolerable sect; Williams would permit persecution of no opinion, of no religion, leaving heresy unharmed by law, and orthodoxy unprotected by the terrors of penal statutes. Taylor still clung to the necessity of positive regulations enforcing religion and eradicating error; he resembled the poets, who, in their folly, first declare their hero to be invulnerable, and then clothe him in earthly armour! Williams was willing to leave Truth alone, in her own

(1) John Cotton's Reply, 2.

panoply of light,(1) believing that if, in the ancient feud between Truth and Error, the employment of force could be entirely abrogated, Truth would have much the best of the bargain. It is the custom of mankind to award high honours to the successful inquirer into the laws of nature, to those who advance the bounds of human knowledge. We praise the man who first analyzed the air, or resolved water into its elements, or drew the lightning from the clouds; even though the discoveries may have been as much the fruits of time as of genius. A moral principle has a much wider and nearer influence on human happiness; nor can any discovery of truth be of more direct benefit to society, than that which establishes a perpetual religious peace, and spreads tranquillity through every community and every bosom. If Copernicus is held in perpetual reverence, because, on his death-bed, he published to the world that the sun is the centre of our system; if the name of Kepler is preserved in the annals of human excellence, for his sagacity in detecting the laws of the planetary motion; if the genius of Newton has been almost adored for dissecting a ray of light, and weighing heavenly bodies as in a balance,—let there be for the name of Roger Williams at least some humble place among those who have advanced moral science, and made themselves the benefactors of mankind.

But if the opinion of posterity is no longer divided, 1635. the members of the general court of that day pronounced against him the sentence of exile,(2) yet not by a very numerous majority. Some, who consented to his banishment, would never have yielded but for the persuasions of Cotton; and the judgment was vindicated, not as a punishment for opinion, or as a restraint on freedom of conscience, but because the application of the new doctrine to the construction of the patent, to the discipline of the churches, and to the "oaths for making tryall of the fidelity of the people," seemed about "to subvert the fundamental state and government of the country."

Winter was at hand; Williams succeeded in obtaining permission to remain till spring, intending then to begin a plantation in Narragansett Bay. But the affections of the people of Salem revived, and could not be restrained;

(1) The expression is partly from Gibbon and Sir Henry Vane.

(2) Winthrop, i. 170. 171. Colony Records, i. 163. John Cotton's Reply, 27, 29. Roger Williams's Account, *ibid.* 24, and ff.

they thronged to his house, to hear him whom they were so soon to lose for ever; it began to be rumoured, that he could not safely be allowed to found a new state in the vicinity; "many of the people were much taken with the apprehension of his godliness;" his opinions were contagious; the infection spread widely. It was therefore resolved to remove him to England, in a ship that was just ready to set sail. A warrant was accordingly sent to him to come to Boston and embark. For the first time, he declined the summons of the court. A pinnace was sent for him—the officers repaired to his house—he was no longer there. Three days before, he had left Salem, in winter snow and inclement weather, of which he remembered the severity even in his late old age. "For fourteen weeks he was sorely tost in a bitter season, not knowing what bread or bed did mean."⁽¹⁾ "Often in the stormy night he had neither fire, nor food, nor company; often he wandered without a guide, and had no house but a hollow tree."⁽²⁾ But he was not without friends. The same scrupulous respect for the rights of others, which had led him to defend the freedom of conscience, had made him also the champion of the Indians. He had already been zealous to acquire their language, and knew it so well that he could debate with them in their own dialect. During his residence at Plymouth, he had often been the guest of the neighbouring sachems; and now, when he came in winter to the cabin of the chief of Pokanoket, he was welcomed by Massasoit; and "the barbarous heart of Canonicus, the chief of the Narragansetts, loved him as his son to the last gasp." "The ravens," he relates with gratitude, "fed me in the wilderness." And, in requital for their hospitality, he was ever through his long life their friend and benefactor; the apostle of Christianity to them without hire, without weariness, and without impatience at their idolatry; the guardian of their rights; the pacificator, when their rude passions were inflamed; and their unflinching advocate and protector, whenever Europeans attempted an invasion of their soil.

He first pitched and began to build and plant at Seekonk. But Seekonk was found to be within the patent of Plymouth; on the other side of the water, the country

(1) Roger Williams to Mason, in *i. Mass. Hist. Coll.* 4. 276.

(2) Roger William's Key. Reprinted in *R. I. Hist. Coll.* 1.

opened in its unappropriated beauty ; and there he might hope to establish a community as free as the other colonies. "That ever-honoured Governor Winthrop," says Williams, "privately wrote to me to steer my course to the Narragansett Bay, encouraging me from the freeness of the place from English claims or patents. I took his prudent motion as a voice from God."

It was in June that the lawgiver of Rhode Island, with five companions, embarked on the stream ; a frail Indian canoe contained the founder of an independent state and its earliest citizens. Tradition has marked the spring near which they landed ; it is the parent spot, the first inhabited nook of Rhode Island. To express his unbroken confidence in the mercies of God, Williams called the place PROVIDENCE. "I desired," said he, "it might be for a shelter for persons distressed for conscience." (1)

In his new abode, Williams could have less leisure for contemplation and study. "My time," he observes of himself,—and it is a sufficient apology for the roughness of his style, as a writer on morals,—“was not spent altogether in spiritual labours ; but, day and night, at home and abroad, on the land and water, at the hoe, at the oar, for bread.” (2) In the course of two years, he was joined by others, who fled to his asylum. The land which was now occupied by Williams, was within the territory of the

Narragansett Indians ; it was not long before an Indian deed from Canonicus and Miantonomoh (3) made him the undisputed possessor of an extensive domain. Nothing displays more clearly the character of Roger Williams than the use which he made of his acquisition of territory. The soil he could claim as his "own, as truly as any man's coat upon his back ;" (4) and he "reserved to himself not one foot of land, not one tittle of political power, more than he granted to servants and strangers." "He gave away his lands and other estate to them that he thought were most in want, until he gave away all." (5) He chose to found a commonwealth in the unmixed forms of a pure democracy ; where the will of the majority should govern the state ; yet "only in civil things ;" God

(1) Backus, i. 94. There is in Backus much evidence of diligent research and critical respect for documentary testimony. He deserves more reputation than he has had.

(2) Bloody Tenent yet more Bloody, 38, in Knowles.

(3) Backus, i. 89, 90. Knowles, 106, 107.

(4) Backus, i. 290. Knowles, c. viii. (5) Letter of Daniel Williams.

alone was respected as the Ruler of conscience. To their more aristocratic neighbours, it seemed as if these fugitives "would have no magistrates;"(1) for every thing was as yet decided in convention of the people. This first system has had its influence on the whole political history of Rhode Island; in no state in the world, not even in the agricultural state of Vermont, has the magistracy so little power, or the representatives of the freemen so much. The annals of Rhode Island, if written in the spirit of philosophy, would exhibit the forms of society under a peculiar aspect: had the territory of the state corresponded to the importance and singularity of the principles of its early existence, the world would have been filled with wonder at the phenomena of its history.

The most touching trait in the founder of Rhode Island was his conduct towards his persecutors. Though keenly sensitive to the hardships which he had endured, he was far from harbouring feelings of revenge towards those who banished him, and only regretted their delusion. "I did ever, from my soul, honour and love them, even when their judgment led them to afflict me."(2) In all his writings on the subject, he attacked the spirit of intolerance, the doctrine of persecution, and never his persecutors or the colony of Massachusetts. Indeed, we shall presently behold him requite their severity by exposing his life at their request and for their benefit. It is not strange, then, if "many hearts were touched with relentings. That great and pious soul, Mr. Winslow, melted, and kindly visited me," says the exile, "and put a piece of gold into the hands of my wife, for our supply;"(3) the founder, the legislator, the proprietor of Rhode Island, owed a shelter to the hospitality of an Indian chief, and his wife the means of sustenance to the charity of a stranger. The half-wise Cotton Mather concedes, that many judicious persons confessed him to have had the root of the matter in him; and his nearer friends, the immediate witnesses of his actions, declared him, from "the whole course and tenor of his life and conduct, to have been one of the most disinterested men that ever lived, a most pious and heavenly-minded soul."(4)

Thus was Rhode Island the offspring of Massachu-

(1) Winthrop, i. 293. Hubbard, 338.

(2) Winthrop and Savage, i. 65.

(4) Callender, 17.

(3) Williams to Mason.

setts; but her political connections were long influenced by the circumstance of her origin. The loss of the few emigrants who resorted to the new state, was not sensibly felt in the parent colony; for the Bay of Massachusetts was already thronged with squadrons. The emigrants had from the first been watched in the mother country with intense interest; a letter from New England was venerated "as a sacred script, or as the writing of some holy prophets, and was carried many miles, where divers came to hear it."⁽¹⁾ When the first difficulties had been surmounted, the stream of emigration flowed with a full current; "Godly people in England began to apprehend a special hand of Providence in raising this plantation, and their hearts were generally stirred to come over." New settlements were, therefore, formed. A little band, toiling through thickets of ragged bushes, and clambering over crossed trees, made its way along Indian paths to the green meadows of Concord. The suffering settlers burrowed for their first shelter under a hill-side. Tearing up roots and bushes from the ground, they subdued the stubborn soil with the hoe, glad to gain even a lean crop from the wearisome and imperfect culture. The cattle sickened on the wild fodder; sheep and swine were destroyed by wolves; there was no flesh but game. The long rains poured through the insufficient roofs of their smoky cottages, and troubled even the time for sleep. Yet the men laboured willingly, for they had their wives and little ones about them. The forest rung with their psalms; and "the poorest of the people of God in the whole world," they were resolved "to excel in holiness." Such was the infancy of a New England village.⁽²⁾ Would that village one day engage the attention of the world?

Meantime the fame of the liberties of Massachusetts extended widely: the good-natured earl of Warwick, a friend to advancement in civil liberty, though not a republican, offered his congratulations on its prosperity; and in a single year three thousand new settlers were added to the Puritan colony. Among these was the fiery Hugh Peters, who had been pastor of a church of English exiles in Rotterdam; a republican of an enlarged spirit, great energy, and popular eloquence, not always tempering active enterprise with solidity of judgment. At the same

(1) *Old Planters' Narrative*, 17.

(2) *Johnson*, c. xxxv. R. W. Emerson's *Historical Discourse*, 7, 11.

time came Henry Vane, the younger, a man of the purest mind; a statesman of spotless integrity; whose name the progress of intelligence and liberty will erase from the rubric of fanatics and traitors, and insert high among the aspirants after truth and the martyrs for liberty. He had valued the "obedience of the gospel" more than the successful career of English diplomacy, and cheerfully "forsook the preferments of the court of Charles for the ordinances of religion in their purity in New England." He was happy in the possession of an admirable genius, though naturally more inclined to contemplative excellence than to action: he was happy in the eulogist of his virtues; for Milton, ever so parsimonious of praise, reserving the majesty of his verse to celebrate the glories and vindicate the providence of God, was lavish of his encomiums on the youthful friend of religious liberty. But Vane was still more happy in attaining early in life a firmly-settled theory of morals, and in possessing an energetic will, which made all his conduct to the very last conform to the doctrines he had espoused, turning his dying hour into a seal of the witness, which his life had ever borne with noble consistency to the freedom of conscience and the people. "If he were not superior to Hampden," says Clarendon, "he was inferior to no other man;" "his whole life made good the imagination, that there was in him something extraordinary." (1)

The freemen of Massachusetts, pleased that a young man of such elevated rank and distinguished ability should have adopted their creed, and joined them in their exile, elected him their governor. The choice was unwise; 1636. for neither the age nor the experience of Vane entitled him to the distinction. He came but as a sojourner, and not as a permanent resident; neither was he imbued with the colonial prejudices, the genius of the place; and his clear mind, unbiased by previous discussions, and fresh from the public business of England, saw distinctly what the colonists did not wish to see, the really wide difference between their practice under their charter and the meaning of that instrument on the principles of English jurisprudence. (2)

These latent causes of discontent could not but be

(1) *Clarendon*, b. vii. and b. iii. vol. ii. 379, and vol. i. 186, 187, 188.

(2) *I find proofs of this in Hutchinson's Coll. 72, 73, 76, and 83; so, too, in Winthrop, i. 187.*

eventually displayed ; at first the arrival of Vane was considered an auspicious pledge for the emigration of men of the highest rank in England. Several of the English peers, especially Lord Saye and Seal, a Presbyterian, a friend to the Puritans, yet with but dim perceptions of the true nature of civil liberty, and Lord Brooke, a man of charity and meekness, an early friend to tolerance, had begun to inquire into the character of the rising institutions, and to negotiate for such changes as would offer them inducements for removing to America. They demanded a division of the general court into two branches, that of assistants and of representatives,—a change which was acceptable to the people, and which, from domestic reasons, was ultimately adopted ; but they further required an acknowledgment of their own hereditary right to a seat in the upper house. The fathers of Massachusetts were disposed to conciliate these powerful friends : they promised them the honours of magistracy, would have readily conferred it on some of them for life, and actually began to make appointments on that tenure ; but as for the establishment of hereditary dignity, they answered by the hand of Cotton, “ Where God blesseth any branch of any noble or generous family with a spirit and gifts fit for government, it would be a taking of God’s name in vain to put such a talent under a bushel, and a sin against the honour of magistracy to neglect such in our public elections. But if God should not delight to furnish some of their posterity with gifts fit for magistracy, we should expose them rather to reproach and prejudice, and the commonwealth with them, than exalt them to honour, if we should call them forth, when God doth not, to public authority.” And thus the proposition for establishing hereditary nobility was defeated. The people, moreover, were uneasy at the permanent concession of office ; Saltonstall, “ that much-honoured and upright-hearted servant of Christ,” loudly reprov’d “ the sinful innovation,” and advocated its reform ; nor would the freemen be quieted, till it was made a law, that those who were appointed
 1639. magistrates for life, should yet not be magistrates except in those years in which they might be regularly chosen at the annual election.

The institutions of Massachusetts, which were thus
 1636. endangered by the influence of men of rank in England, were likewise in jeopardy from the effects of re-
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ligious divisions. The minds of the colonists were excited to intense activity on questions which the nicest subtlety only could have devised, and which none but those experienced in the shades of theological opinions could long comprehend. For it goes with these opinions as with colours : of which the artist who works in mosaic, easily and regularly discriminates many thousand varieties, where the common eye can discern a difference only on the closest comparison. Boston and its environs were now employed in theological controversy ; and the transports of enthusiasm sustained the toil of abstruse speculations. The most profound questions which can relate to the mysteries of human existence and the laws of the moral world, questions which the mind, in the serenity of unclouded reflection, may hardly aspire to solve, were discussed with passionate zeal ; eternity was summoned to reveal its secrets ; human tribunals pretended to establish for the Infinite Mind the laws on which the destinies of the soul depend ; the Holy Spirit was claimed as the inward companion of man ; while many persons, in their zeal to distinguish between abstract truth and the outward forms under which truth is conveyed, between unchanging principles and changing institutions, were in perpetual danger of making shipwreck of all religious faith, and hardly paused to sound their way, as they proceeded through the " dim and perilous " paths of speculative science.

Amidst the arrogance of spiritual pride, the vagaries of undisciplined imaginations, and the extravagances to which the intellectual power may be led in its pursuit of ultimate principles, the formation of two distinct parties may be perceived. The first consisted of the original settlers, the framers of the civil government, and their adherents ; they who were intent on the foundation and preservation of a commonwealth, and were satisfied with the established order of society. They had founded their government on the basis of the church, and church membership could be obtained only by the favour of the clergy and an exemplary life. They dreaded unlimited freedom of opinion as the parent of ruinous divisions. " The cracks and flaws in the new building of the reformation," thought they, " portend a fall ;"(1) they desired patriotism, union, and a common heart ; they were earnest to confirm and build up the state, the child of their cares and

(1) *Shepherd's Lamentation*, 2.

their sorrows. They were reproached with being "priest-ridden magistrates," (1) "under a covenant of works."

The other party was composed of individuals who had arrived after the civil government and religious discipline of the colony had been established. They came fresh from the study of the tenets of Geneva; and their pride consisted in following the principles of the reformation with logical precision to all their consequences. Their eyes were not primarily directed to the institutions of Massachusetts, but to the doctrines of their religious system. They had come to the wilderness for freedom of religious opinion; and they resisted every form of despotism over the mind. To them the clergy of Massachusetts were "the ushers of persecution," (2) "popish factors," (3) who had not imbibed the true doctrines of Christian reform; and they applied to the influence of the Puritan ministers the principle which Luther and Calvin had employed against the observances and pretensions of the Roman church. (4) Every political opinion, every philosophical tenet, assumed in those days a theological form: with the doctrine of justification by faith alone, they derided the formality of the established religion; and by asserting that the Holy Spirit dwells in every believer, that the revelation of the Spirit is superior "to the ministry of the word," (5) they sustained with intense fanaticism the paramount authority of private judgment.

The founder of this party was Anne Hutchinson, a woman of such admirable understanding "and profitable and sober carriage," (6) that she won a powerful party in the country, (7) and her enemies could never speak of her without acknowledging her eloquence and her ability. She was encouraged by John Wheelwright, her brother, and by Henry Vane, the governor of the colony; while a majority of the people of Boston sustained her in her rebellion against the clergy. Scholars and men of learning, members of the magistracy and the general court adopted her opinions. (8) The public mind seemed hastening towards an insurrection against spiritual authority; and she was denounced as "weakening the hands and hearts

(1) The phrase is William Coddington's. See Besse, ii. 267.

(2) Coddington, in Besse, ii. 267. (3) Welde's Rise, Reign, and Ruin.

(4) Winthrop, i. 213, 214.

(5) Ibid. i. 201, and in Hutchinson, ii. 443.

(6) Welde's Rise, Reign, &c.

(7) Ibid.

(8) Dudley, in Hutchinson, i. 427.

of the people towards the ministers,"(1) as being "like Roger Williams, or worse."(2)

The subject possessed the highest political importance. Nearly all the clergy, except Cotton, in whose house Vane was an inmate,(3) clustered together (4) in defence of their influence, and in opposition to Vane; and Wheelwright, who, in a fast-day's sermon, had strenuously maintained the truth of his opinions, and had never been confuted,(5) in spite of the remonstrance of the governor, was censured by the general court for sedition.(6) At the ensuing choice of magistrates the religious divisions controlled the elections. The friends of Wheelwright had threatened an appeal to England; but in the colony "it was accounted perjury and treason to speak of appeals to the king."(7) The contest appeared, therefore, to the people not as the struggle for intellectual freedom against the authority of the clergy, but as a contest for the liberties of Massachusetts against the powers of the English government. Could it be doubted who would obtain the confidence of the people? In the midst of such high excitement, that even the pious Wilson climbed into a tree to harangue the people on election-day, Winthrop and his friends, the fathers and founders of the colony, recovered the entire management of the government.(8) But the dispute infused its spirit into everything; it interfered with the levy of troops for the Pequod war;(9) it influenced the respect shown to the magistrates; the distribution of town lots; the assessment of rates; and at last the continued existence of the two opposing parties was considered inconsistent with the public peace. To prevent the increase of a faction esteemed to be so dangerous, a law, somewhat analogous to the alien law in England, and to the European policy of passports, was enacted by the party in power; none should be received within the jurisdiction, but such as should be allowed by some of the magistrates. The dangers which were simultaneously menaced from the Episcopal party in the mother country, gave to the measure an air of magnanimous defiance; it

(1) Winthrop, in Hutch., ii. 443.

(2) Winthrop, in Hutch. Coll.

(3) Suffolk Prob. Records, i. 72.

(4) Winthrop, i. 215.

(5) Henry Vane, in Hutch. Coll. 82.

(6) Comp. S. Gorton's Simplicity's Defence, 44.

(7) Burdett's Letter to Laud.

(8) Winthrop, i. 219, 220. Col. Records. Hutch. Coll. 63, and 7.

(9) Welde, 27. Mather, b. vii. c. iii. s. 5. Hutch. Coll. 80.

was almost a proclamation of independence. As an act of intolerance, it found in Vane an inflexible opponent, and, using the language of the times, he left a memorial of his dissent. "Scribes and Pharisees, and such as are confirmed in any way of error,"—these are the remarkable words of the man, who soon embarked for England, where he afterwards pleaded in parliament for the liberties of Catholics and Dissenters—"all such are not to be denied cohabitation, but are to be pitied and reformed. Ishmael shall dwell in the presence of his brethren."

The friends of Wheelwright could not brook the censure of their leader; but they justified their indignant remonstrances by the language of fanaticism. "A new rule of practice by immediate revelations," (1) was now to be the guide of their conduct; not that they expected a revelation "in the way of a miracle;" such an idea Anne Hutchinson rejected "as a delusion;" (2) they only slighted the censures of the ministers and the court, and avowed their determination to follow the impulses of conscience. But individual conscience is often the dupe of interest, and often but a more honourable name for self-will. The government feared, or pretended to fear, a disturbance of the public peace, a wild insurrection of lawless fanatics. A synod of the ministers of New England was therefore assembled to accomplish the difficult task of settling the true faith. Numerous opinions were harmoniously condemned; and vagueness of language, so often the parent of furious controversy, performed the office of a peace-maker. Now that Vane had returned to England, it was hardly possible to find any grounds of difference between the inflexible Cotton and his equally orthodox opponents. The general peace of the colony being thus assured, the triumph of the clergy was complete, and the civil magistrates proceeded to pass sentence on the more resolute offenders. Wheelwright, Anne Hutchinson, and Aspinwall, were exiled from the territory of Massachusetts, as "unfit for the society" of its citizens; and their adherents, who, it was feared, "might, upon some revelation, make a sudden insurrection," and who were ready to seek protection by an appeal from the authority of the colonial government, were, like the Tories during the war for independence, required to deliver up their arms.

(1) *Welde*, 45, ed. 1692, or 42, ed. 1644.

(2) *Testimony of John Cotton*, in *Hutchinson*, ii. 443.

So ended the Antimonian strife in Massachusetts.(1) The principles of Anne Hutchinson were a natural consequence of the progress of the reformation. She had imbibed them in Europe; and it is a singular fact, though easy of explanation, that in the very year in which she was arraigned at Boston, Descartes, like herself a refugee from his country, like herself a prophetic harbinger of the spirit of the coming age, established philosophic liberty on the method of free reflection. Both asserted that the conscious judgment of the mind is the highest authority to itself. Descartes did but promulgate, under the philosophic form of free reflection, the same truth which Anne Hutchinson, with the fanaticism of impassioned conviction, avowed under the form of inward revelations.

The true tendency of the principles of Anne Hutchinson is best established by examining the institutions which were founded by her followers. We shall hereafter trace the career of Henry Vane.

Wheelwright and his immediate friends removed to the banks of the Piscataqua; and, at the head of tide waters on that stream, they founded the town of Exeter; one more little republic in the wilderness, organized on the principles of natural justice by the voluntary combination of the inhabitants.(2)

The larger number of the friends of Anne Hutchinson, led by John Clarke and William Coddington, proceeded to the south, designing to make a plantation on Long Island, or near Delaware Bay. But Roger Williams^{1638.} welcomed them to his vicinity; and his own influence, and the powerful name of Henry Vane, prevailed with Miantonomoh, the chief of the Narragansetts, to obtain for them a gift of the beautiful island of Rhode Island. The spirit of the institutions established by this band of voluntary exiles, on the soil which they owed to the benevolence of the natives, was derived from natural justice: a social compact, signed after the manner of the precedent at New Plymouth, so often imitated in America, founded the government upon the basis of the

(1) On this strife I have read the Col. Records; the decisions of the synod; the copious Winthrop; the Documents in Hutchinson's Coll.; Welde's Rise, Reign, and Ruin; T. Shepherd's Lamentation; a fragment of Wheelwright's Sermon; and the statement of John Cotton himself, in his reply to Williams; also, Saml. Gorton, Hubbard, C. Mather, Neal, Hutchinson, Callender, Backus, Savage, and Knowles.

(2) Exeter Records, in Farmer's Belknap, 432.

universal consent of every inhabitant: the forms of the administration were borrowed from the examples of the Jews. Coddington was elected judge in the new Israel; and three elders were soon chosen as his assistants. The colony rested on the principle of intellectual liberty: philosophy itself could not have placed the right on a broader basis. The settlement prospered; and it became necessary to establish a constitution. It was therefore ordered by the whole body of freemen, and "unanimously agreed upon, that the government, which this body politic doth attend unto in this island, and the jurisdiction thereof, in favour of our Prince, is a DEMOCRACIE, or popular government; that is to say, it is in the power of the body of freemen orderly assembled, or major part of them, to make or constitute just lawes, by which they will be regulated, and to depute from among themselves such ministers as shall see them faithfully executed between man and man." (1) "It was further ordered, that none be accounted a delinquent for doctrine;" the law for "liberty of conscience was perpetuated." The little community was held together by the bonds of affection and freedom of opinion: benevolence was their rule: they trusted in the power of love to win the victory; and "the signet for the state" was ordered to be "a sheafe of arrows," with "the motto AMOR VINCET OMNIA." A patent from England seemed necessary for their protection; and to whom could they direct their letters but to the now powerful Henry Vane? (2)

Such were the institutions which sprung from the party of Anne Hutchinson. But she did not long enjoy their protection. Recovering from a transient dejection of mind, she had gloried in her sufferings as her greatest happiness; (3) and making her way through the forest, she travelled by land (4) to the settlement of Roger Williams, and from thence joined her friends on the island, sharing with them the hardships of early emigrants. (5) Her powerful mind still continued its activity; young men from the colonies became converts to her opinions; and

(1) I copied this, word for word, from the Records, now in Providence.

(2) MS. extracts from R. I. Rec. Compare Callender, 29, &c.; Backus, i. 91, 96, &c.; Knowles, c. xi.

(3) Winthrop, i. 258.

(4) Ibid. i. 259. Even Winthrop could err as to facts; see i. 298, and Savage's note. The records refute Winthrop's statement.

(5) Gorton, in Hutchinson, i. 73.

she excited such admiration, that to the leaders in Massachusetts it "gave cause of suspicion of witchcraft." (1)
 1642. She was in a few years left a widow, but was blessed with affectionate children. A tinge of fanaticism pervaded her family; one of her sons, and Collins, her son-in-law, had ventured to expostulate with the people of Boston
 1641. on the wrongs of their mother. But would the Puritan magistrates of that day tolerate an attack on their government? (2) Severe imprisonment for many months was the punishment inflicted on the young men for their boldness. Rhode Island itself seemed no longer a safe place of refuge; and the whole family removed beyond New Haven into the territory of the Dutch.
 1643. The violent Kieft had provoked an insurrection among the Indians; the house of Anne Hutchinson was attacked and set on fire; herself, her son-in-law, and all their family, save one child, perished by the rude weapons of the savages, or were consumed by the flames. (3)

Thus was personal suffering mingled with the peaceful and happy results of the watchfulness or the intolerance of Massachusetts. The legislation of that colony may be reprov'd for its jealousy, yet not for its cruelty; and Williams, and Wheelwright, and Aspinwall, suffered not much more from their banishment than some of the best men in the colony encountered from choice. For rumour had spread not wholly extravagant accounts of the fertility of the alluvial land along the borders of the Connecticut; and the banks of that river were already adorned with the villages of the Puritans, planted just in season to anticipate the rival designs of the Dutch.

The valley of the Connecticut had early become an
 1630. object of desire and of competition. The Earl of Warwick was the first proprietary of the soil, under a grant from the council for New England; and it was next held by Lord Saye and Seal, Lord Brooke, John
 1631. Hampden, and others, as his assigns. (4) Before any colony could be established with their sanction, the people of New Plymouth had built a trading-house at
 1633. Windsor, and conducted with the natives a profitable commerce in furs. "Dutch intruders" from Manhattan,

(1) Winthrop, ii. 9.

(2) Ibid. ii. 39.

(3) Samuel Gorton's Defence, 58, 59. Winthrop, ii. 136.

(4) Trumbull's Connecticut, i. App. No. 1.

ascending the river, had also raised at Hartford the house "of Good Hope," and struggled to secure the territory to themselves. The younger Winthrop, the future 1635. benefactor of Connecticut, one of those men in whom the elements of human excellence are mingled in the happiest union, returned from England with a commission from the proprietaries of that region to erect a fort at the mouth of the stream—a purpose which was accomplished. Yet, before his arrival in Massachusetts Bay, settlements had been commenced by emigrants from the environs of Boston, at Hartford, and Windsor, and Wethersfield; and in the last days of the pleasantest of the autumnal months, a company of sixty pilgrims, women and children being of the number, began their march to the west. Never before had the forests of America witnessed such a scene. But the journey was begun too late in the season; the winter was so unusually early and severe that provisions could not arrive by way of the river; imperfect shelter had been provided; cattle perished in great numbers; and the men suffered such privations, that many of them, in the depth of winter, abandoned their newly chosen homes, and waded through the snows to the sea-board.

Yet, in the opening of the next year, a government 1636. was organized, and civil order established; and the budding of the trees and the springing of the grass were signals for a greater emigration to the Connecticut. Some smaller parties had already made their way to the new Hesperia of Puritanism. In June the principal caravan began its march, led by Thomas Hooker, "the light of the Western Churches." There were of the company about one hundred souls; many of them persons accustomed to affluence and the ease of European life. They drove before them numerous herds of cattle; and thus they traversed on foot the pathless forests of Massachusetts; advancing hardly ten miles a day through the tangled woods, across the swamps and numerous streams, and over the highlands that separated the several intervening valleys; subsisting as they slowly wandered along on the milk of the kine, which browsed on the fresh leaves and early shoots; having no guide through the nearly untrodden wilderness but the compass, and no pillow for their nightly rest but heaps of stones. How did the hills echo with the unwonted lowing of the herds! How were the forests

enlivened by the loud and fervent piety of Hooker! (1) Never again was there such a pilgrimage from the sea-side "to the delightful banks" of the Connecticut. The emigrants had been gathered from among the most valued citizens, the earliest settlers, and the oldest churches of the bay. John Haynes had for one year been the governor of Massachusetts; and Hooker had no rival in public estimation but Cotton, whom he surpassed in force of character, in boldness of spirit, and in honourable clemency. Historians, investigating the causes of events, have endeavoured to find the motives of this settlement in the jealous ambition of the minister of Hartford. Such ingenuity is gratuitous. The Connecticut was at that time supposed to be the best channel for a great internal traffic in furs; and its meadows, already proverbial for the richness of their soil, had acquired the same celebrity as in a later day the banks of the Genesee, or the bottom lands of the Miami.

The new settlement that seemed so far towards the west was environed by perils. The Dutch still indulged a hope of dispossessing the English, and the natives of the country beheld the approach of Europeans with malignant hatred. No part of New England was more thickly covered with aboriginal inhabitants than Connecticut. The Pequods, who were settled round the Thames, could muster at least seven hundred warriors; the whole number of the effective men of the emigrants was much less than two hundred. The danger was incessant; and while the settlers, with hardly a plough or a yoke of oxen, turned the wild fertility of nature into productiveness, they were at the same time exposed to the incursions of a savage enemy, whose delight was carnage.

For the Pequods had already shown a hostile spirit. 1633. Several years had elapsed since they had murdered the crew of a small trading vessel in Connecticut River. With some appearance of justice they pleaded the necessity of self-defence, and sent messengers to Boston

1634. to desire the alliance of the white men. The government of Massachusetts accepted the excuse, and immediately conferred the benefit which was due from civilization to the ignorant and passionate tribes; it reconciled

1636. the Pequods with their hereditary enemies, the Narragansetts. No longer at variance with a powerful neighbour, the Pequods again displayed their bitter and

(1) Hooker was "a Son of Thunder." See Morton, 239 and 240.

emboldened hostility to the English by murdering Oldham, near Block Island. The outrage was punished by a sanguinary but ineffectual expedition. The warlike tribe was not overawed, but rather courted the alliance of its neighbours, the Narragansetts and the Mohegans, that a union and a general rising of the natives might sweep the hated intruders from the ancient hunting-grounds of the Indian race. The design could be frustrated by none but Roger Williams; and the exile, who had been the first to communicate to the governor of Massachusetts the news of the impending conspiracy, encountered the extremity of peril with magnanimous heroism. Having received letters from Vane and the council of Massachusetts, requesting his utmost and speediest endeavours to prevent the league, neither storms of wind nor high seas could detain the adventurous envoy. Shipping himself alone in a poor canoe, every moment at the hazard of his life, he hastened to the house of the sachem of the Narragansetts. The Pequod ambassadors, reeking with blood, were already there; and for three days and nights the business compelled him to lodge and mix with them; having cause every night to expect their knives at his throat. The Narragansetts were wavering; but Roger Williams succeeded in dissolving the formidable conspiracy. It was the most intrepid and most successful achievement in the whole Pequod war—an action as perilous in its execution as it was fortunate in its issue. When the Pequods were left to contend single-handed against the English, it was their ignorance only which could still inspire confidence in their courage.

Continued injuries and murders roused Connecticut to action, and the court of its three infant towns decreed immediate war. Uncas, sachem of the Mohegans, was their ally. To John Mason the staff of command was delivered at Hartford by the venerated Hooker; and after nearly a whole night spent, at the request of the soldiers, in importunate prayer by the very learned and godly Stone, about sixty men, one third of the whole colony, aided by John Underhill and twenty gallant recruits, whom the forethought of Vane had sent from the Bay State, sailed past the Thames, and, designing to reach the Pequod fort unobserved, entered a harbour near Wickford, in the bay of the Narragansetts. The next day was the Lord's, sacred to religion and rest. Early in the

week, the captains of the expedition, with the pomp of a military escort, repaired to the court of Canonicus, the patriarch and ruler of the tribe; and the younger and more fiery Miantonomoh, surrounded by two hundred of his bravest warriors, received them in council. "Your design," said he, "is good; but your numbers are too weak to brave the Pequods, who have mighty chieftains, and are skilful in battle;" and after doubtful friendship, he deserted the desperate enterprise.

Nor did the unhappy clans on Mystic River distrust their strength. To their hundreds of brave men their bows and arrows still seemed formidable weapons; ignorant of European fortresses, they viewed their rushwork palisades with complacency; and as the English boats sailed by the places where the rude works of the natives frowned defiance, it was rumoured through the tribe that its enemies had vanished through fear. Exultation followed; and hundreds of the Pequods spent much of the last night of their lives in revelry, at a time when the sentinels of the English were within hearing of their songs. Two hours before day, the soldiers of Connecticut put themselves in motion towards the enemy; and, as the light of morning began to dawn, they made their attack on the principal fort, which stood in a strong position at the summit of a hill.⁽¹⁾ The colonists felt that they were fighting for the security of their homes; that, if defeated, the war-whoop would immediately resound near their cottages, and their wives and children be abandoned to the scalping-knife and the tomahawk. They ascend to the attack; a watch-dog bays an alarm at their approach; the Indians awake, rally, and resist, as well as bows and arrows can resist weapons of steel. The superiority of number was with them; and fighting closely, hand to hand, though the massacre spread from wigwam to wigwam, victory was tardy. "We must burn them!" shouted Mason, and cast a firebrand to the windward among the light mats of the Indian cabins. Hardly could the English withdraw to encompass the place, before the whole encampment was in a blaze. Did the helpless natives climb the palisades, the flames assisted the marksmen to take good aim at the unprotected men; did they attempt a sally, they were cut down by the English broadswords.

(1) Compare E. R. Potter's *Early History of Narragansett*. 24. Williams, in *Mass. Hist. Coll.* iii. 133.

The carnage was complete; about six hundred Indians, men, women, and children, perished; most of them in the hideous conflagration. In about an hour, the whole work of destruction was finished, and two only of the English had fallen in the battle. The sun, as it rose serenely in the east, was the witness of the victory.

With the light of morning, three hundred or more Pequod warriors were descried, as they proudly approached from their second fort. They had anticipated success; what was their horror as they beheld the smoking ruins, strown with the half-consumed flesh of so many hundreds of their race! They stamped on the ground, and tore their hair; but it was in vain to attempt revenge; then and always, to the close of the war, the feeble manner of the natives hardly deserved, says Mason, the name of fighting; their defeat was certain, and unattended with much loss to the English. The aborigines were never formidable in battle, till they became supplied with the weapons of European invention.

A portion of the troops hastened homewards to protect the settlements from any sudden attack; while Mason, with about twenty men, marched across the country from the vicinity of New London to the English fort at Saybrook. He reached the river at sunset; but, Gardner, who commanded the fort, observed his approach; and never did the heart of a Roman consul, returning in triumph, swell more than the pride of Mason and his friends, when they found themselves received as victors, and "nobly entertained with many great guns."

In a few days, the troops from Massachusetts arrived, attended by Wilson, for the ministers always shared every hardship and every danger. The remnants of the Pequods were pursued into their hiding-places; every wigwam was burned, every settlement was broken up, every corn-field laid waste. Sassacus, their sachem, was murdered by the Mohawks, to whom he had fled for protection. The few that survived, about two hundred, surrendering in despair, were enslaved by the English, or incorporated among the Mohegans and the Narragansetts. There remained not a sannup nor squaw, not a warrior nor child, of the Pequod name. A nation had disappeared from the family of man.

The vigour and courage displayed by the settlers on the Connecticut, in this first Indian war in New England.

struck terror into the savages, and secured a long succession of years of peace. The infant was safe in its cradle, the labourer in the fields, the solitary traveller during the night-watches in the forest; the houses needed no bolts, the settlements no palisades. Under the benignant auspices of peace, the citizens of the western colony resolved to perfect its political institutions, and to form a body politic by a voluntary association. The constitution which was thus framed was of unexampled liberality. The elective franchise belonged to all the members of the towns who had taken the oath of allegiance to the commonwealth; the magistrates and legislature were chosen annually by ballot; and the representatives were apportioned among the towns according to population. More than two centuries have elapsed; the world has been made wiser by the most varied experience; political institutions have become the theme on which the most powerful and cultivated minds have been employed; and so many constitutions have been framed or reformed, stifled or subverted, that memory may despair of a complete catalogue;—but the people of Connecticut have found no reason to deviate essentially from the frame of government established by their fathers. No jurisdiction of the English monarch was recognized; the laws of honest justice were the basis of their commonwealth; and therefore its foundations were lasting. These humble emigrants invented an admirable system; for they were near to Nature, listened willingly to her voice, and easily copied her forms. No ancient usages, no hereditary differences of rank, no established interests, impeded the application of the principles of justice. Freedom springs spontaneously into life; the artificial distinctions of society require centuries to ripen. History has ever celebrated the heroes who have won laurels in scenes of carnage. Has it no place for the founders of states; the wise legislators, who struck the rock in the wilderness, so that the waters of liberty gushed forth in copious and perennial fountains? They who judge of men by their services to the human race, will never cease to honour the memory of Hooker and of Haynes.

^{1638.} In equal independence, a Puritan colony sprang up at New Haven, under the guidance of John Davenport as its pastor, and of the excellent Theophilus Eaton, who was annually elected its governor for twenty years,

till his death. Its forms were austere, unmixed Calvinism ; but the spirit of humanity had sheltered itself under the rough exterior. The colonists held their first gathering under a branching oak. It was a season of gloom. Spring had not yet revived the verdure of nature ; under the leafless tree the little flock were taught by Davenport, that, like the Son of Man, they were led into the wilderness to be tempted. After a day of fasting and prayer, they rested their first frame of government on a simple plantation covenant, that "all of them would be ordered by the rules which the Scriptures held forth to them." A title to lands was obtained by a treaty with the natives, whom they protected against the Mohawks. When, after more than a year, the free planters of the colony desired a more perfect form of government, the followers of 1639. Him who was laid in a manger held their constituent assembly in a barn. There, by the influence of Davenport, it was solemnly resolved, that the Scriptures are the perfect rule of a commonwealth ; that the purity and peace of the ordinance to themselves and their posterity, were the great end of civil order ; and that church members only should be free burgesses. A committee of twelve was selected to choose seven men, qualified for the foundation work of organizing the government. Eaton, Davenport, and five others, were "the seven Pillars" for the new House of Wisdom in the wilderness. In August, 1639, the seven pillars assembled, possessing for the time absolute power. Having abrogated every previous executive trust, they admitted to the court all church members ; the character of civil magistrates was next expounded "from the sacred oracles ;" and the election followed. Then Davenport, in the words of Moses to Israel in the wilderness, gave a charge to the governor, to judge righteously ; "the cause that is too hard for you,"—such was part of the minister's text,—"bring it unto me, and I will hear it." Annual elections were ordered ; and God's word established as the only rule in public affairs. Thus New Haven made the Bible its statute-book, and the elect its freemen. As neighbouring towns were planted, each was likewise a house of wisdom, resting on its seven pillars, and aspiring to be illumined by the Eternal Light. The colonists prepared for the second coming of Christ, which they confidently expected.

Meantime their pleasant villages spread along the Sound, 1640- and on the opposite shore of Long Island, and for 1649. years they nursed the hope of "speedily planting Delaware."

CHAPTER X.

THE UNITED COLONIES OF NEW ENGLAND.

THE English government was not indifferent to the progress of the colonies of New England. The fate of the first emigrants had been watched by all parties with benevolent curiosity; nor was there any inducement to oppress the few sufferers, whom the hardships of their condition were so fast wasting away. The adventurers were encouraged by a proclamation,⁽¹⁾ which, with a 1630. view to their safety, prohibited the sale of fire-arms to the savages.

The stern discipline exercised by the government at Salem, produced an early harvest of enemies: resentment long rankled in the minds of some, whom Endicott had perhaps too passionately punished; and when they returned to England, Mason and Gorges, the rivals of the Massachusetts company, willingly echoed their vindictive complaints. A petition even reached King Charles, complaining of distraction and disorder in the plantations; but the issue was unexpected. Massachusetts was ably defended by Saltonstall, Humphrey, and Cradock, its friends in England; and the committee of the privy 1633. council reported in favour of the adventurers, who were ordered to continue their undertakings cheerfully, for the king did not design to impose on the people of Massachusetts the ceremonies which they had emigrated to avoid. The country, it was believed, would in time be very beneficial to England.⁽²⁾

Revenge did not slumber,⁽³⁾ because it had been 1634. once defeated; and the triumphant success of the Puritans in America disposed the leaders of the high-

(1) Hazard, i. 311, 312.

(2) Winthrop and Savage, i. 54—57, and 101—103. Prince, 430, 431. Mich. Coll. 52—54. Hubbard, 150—154. Chalmers, 154, 155. Hazard, i. 235.

(3) Winthrop, ii. 190, 191; or Hazard, i. 242, 243. Hubbard, 422—430.

church party to listen to the clamours of the malignant. Proof was produced of marriages celebrated by civil magistrates, and of the system of colonial church discipline—proceedings which were wholly at variance with the laws of England. "The departure of so many of **THE BEST**," such "numbers of faithful and free-born Englishmen and good Christians,"—a more ill-boding sign to the nation than the portentous blaze of comets and the impressions in the air, at which astrologers are dismayed,(1)—began to be regarded by the archbishops as an affair of state; and ships bound with passengers for New England were detained in the Thames by an order of the council. Burdett also in 1637 wrote from New England to Laud, that "the colonists aimed not at new discipline, but at sovereignty; that it was accounted treason in their general court to speak of appeals to the king;"(2) and the greatest apprehensions were raised by a requisition which commanded the letters patent of the company to be produced in England.(3) To this requisition the emigrants returned no reply.

Still more menacing was the appointment of an arbitrary special commission for the colonies. The Archbishop of Canterbury and those who were associated with him, received full power over the American plantations, to establish the government and dictate the laws; to regulate the church; to inflict even the heaviest punishments; and to revoke any charter which had been surreptitiously obtained, or which conceded liberties prejudicial to the royal prerogative.(4)

The news of this commission soon reached Boston; and it was at the same time rumoured that a general governor was on his way. The intelligence awakened the most lively interest in the whole colony, and led to the boldest measures. Poor as the new settlements were, six hundred pounds were raised towards fortifications; "the assistants and the deputies discovered their minds to one another,"
1635. and the fortifications were hastened. All the ministers assembled at Boston; it marks the age, that their opinions were consulted; it marks the age still more, that they unanimously declared against the reception of a

(1) Milton pleads for the Puritans—Of Reformation, Book ii.

(2) Hutchinson, i. 85. Hubbard, 334.

(3) Winthrop, i. 135, 137. Hubbard, 153. Hazard, i. 341, 342.

(4) Hazard, i. 344—347. Hubbard, 264—268. Hutchinson, i. App. No. iv. Winthrop, i. 143. Chalmers mistakes a year.

general governor. "We ought," said the fathers in Israel, "to defend our lawful possessions, if we are able; if not, to avoid and protract." (1)

It is not strange that Land and his associates should have esteemed the inhabitants of Massachusetts to be men of refractory humours; complaints resounded of sects and schisms; of parties consenting in nothing but hostility to the church of England; of designs to shake off the royal jurisdiction. (2) Restraints were, therefore, placed upon emigration; no one above the rank of a serving man might remove to the colony without the special leave of the commissioners; and persons of inferior order were required to take the oaths of supremacy and allegiance. (3)

Willingly as these acts were performed by religious bigotry, they were prompted by another cause. The members of the Grand Council of Plymouth, long reduced to a state of inactivity, prevented by the spirit of the English merchants from oppressing the people, and having already made grants of all the lands from the Penobscot to Long Island, determined to resign their charter, which was no longer possessed of any value. Several of the company desired as individuals to become the proprietaries of extensive territories, even at the dishonour of invalidating all their grants as a corporation. The hope of acquiring principalities subverted the sense of justice. A meeting of the Lords was duly convened, and the whole coast, from Acadia to beyond the Hudson, being divided into shares, was distributed, in part at least, by lots. Whole provinces gained an owner by the drawing of a lottery. (4)

Thus far all went smoothly; it was a more difficult matter to gain possession of the prizes; the independent and inflexible colony of Massachusetts formed too serious an obstacle. The grant for Massachusetts, it was argued, was surreptitiously obtained; the lands belonged to Robert Gorges by a prior deed; the intruders had "made themselves a free people." The general patent for New England was surrendered to the king; to obtain of him a confirmation of their respective grants, and to invoke the whole force of English power against the charter of Massa-

(1) Winthrop, i. 154.

(2) Hazard, i. 347-348.

(3) Hazard, i. 347-348.

(4) Gorges, b. ii. c. ii. Hubbard, 226-230. Hazard, i. 352.

chusetts, were, at the same time the objects of the members of the Plymouth company, distinctly avowed in their public acts.(1)

Now was the season of greatest peril to the rising liberties of New England. The king and council already feared the consequences that might come from the unbridled spirits of the Americans; his dislike was notorious; (2) and at the Trinity term in the Court of King's Bench, a *quo warranto* was brought against the company of the Massachusetts Bay. At the ensuing Michaelmas, several of its members, who resided in England, made their appearance, and judgment was pronounced against them individually; the rest of the patentees stood outlawed, but no judgment was entered up against them.(3) The unexpected death of Mason,—who, as the proprietary of New Hampshire, had been the chief mover of all the aggressions on the rights of the adjoining colony,—suspended the hostile movements,(4) which Gorges had too much honesty and too little intrigue to renew.(5)

1635— The severe censures in the Star Chamber, the
1637. greatness of the fines which avarice rivalled bigotry in imposing, the rigorous proceedings with regard to ceremonies, the suspending and silencing of multitudes of ministers, still continued; and men were “enforced by heaps to desert their native country. Nothing but the wide ocean, and the savage deserts of America, could hide and shelter them from the fury of the bishops.”(6) The pillory had become the bloody scene of human agony and mutilation, as an ordinary punishment; and the friends of Laud jested on the sufferings which were to cure the obduracy of fanatics. “The very genius of that nation of people,” said Wentworth, “leads them always to oppose, both civilly and ecclesiastically, all that ever authority ordains for them.” They were provoked to the indiscretion of a complaint, and then involved in a persecution. They were imprisoned and scourged; their noses were slit; their ears were cut off; their cheeks were marked with a red-hot brand. But the lash, and the shears, and the glowing iron, could not destroy principles which

(1) Hazard, i. 382, 390—394.

(2) Gorges, b. ii. c. i. p. 43.

(3) Hazard, i. 423—425. Hutchinson's Coll. 101—104.

(4) Winthrop, i. 187.

(5) Winthrop, ii. 12. Hazard, i. 403.

(6) Rushworth, ii. 410. Hazard, i. 426. Neal's Puritans. Nugent's Hampden. The words are from Milton, the Puritan poet; the greatest poet of our language.

were rooted in the soul, and which danger made it glorious to profess. The injured party even learned to despise the mercy of their oppressors. Four years after Prynne 1637. had been punished for a publication, he was a second time arraigned for a like offence. "I thought," said Lord Finch, "that Prynne had lost his ears already; but," added he, looking at the prisoner, "there is something left yet:" and an officer of the court removing the hair, displayed the mutilated organs. "I pray to God," replied Prynne, "you may have ears to hear me." A crowd gathered round the scaffold, where he, and Bastwick, and Burton, were to suffer mutilation. "Christians," said Prynne, as he presented the stumps of his ears to be grubbed out by the hangman's knife, "stand fast; be faithful to God and your country; or you bring on yourselves and your children perpetual slavery." The dungeon, the pillory, and the scaffold, were but stages in the progress of civil liberty towards its triumph.

Yet there was a period when the ministry of Charles hoped for success. No considerable resistance was threatened within the limits of England; and not even America could long be safe against the designs of despotism. A proclamation was issued to prevent the emigration of Puritans; (1) the king refused his dissenting subjects the security of the wilderness.

It was probably a foreboding of these dangers which induced the legislation of Massachusetts to exaggerate the necessity of domestic union. (2) In England, the proclamation was but little regarded. The Puritans, hemmed in by dangers on every side, and at that time having no prospect of ultimate success, desired at any rate to escape from their native country. The privy council interfered to stay a squadron of eight ships, which were in the 1638. Thames, preparing to embark for New England. (3) It has been said that Hampden and Cromwell were on board this fleet. (4) The English ministry of that day might

(1) Hazard, i. 421.

(2) Colony Laws, edition of 1660, 73. iii. Mass. Hist. Col. iii. 398.

(3) Rushworth, ii. 409. Hazard, i. 422.

(4) Bates and Dugdale, in Neal's Puritans, ii. 349. C. Mather, b. i. c. v. s. 7. Neal's N. E. i. 168. Chalmers, 160, 161. Robertson, b. x. Hume, c. liii. Belknap, ii. 229. Graham's U. S. i. 299. Lord Nugent, in his Hampden, i. 254, should not have repeated the error. Edinburgh Review, No. 168. Russell's Cromwell, i. 51. Godwin, in his History of the Commonwealth, i. 11, 12, reproves the conduct which he unjustly imputes to Hampden. The pretended design was indeed unlike Hampden.

willingly have exiled Hampden; no original authors, except royalists writing on hearsay, allude to the design imputed to him; in America there exists no evidence of his expected arrival; the remark of Hutchinson (1) refers to the well-known schemes of Lord Saye and Seal and Lord Brooke; there are no circumstances in the lives of Hampden and Cromwell corroborating the story, but many to establish its improbability; there came over, during this summer, twenty ships, and at least three thousand persons; (2) and had Hampden designed to emigrate, he whose maxim (3) in life forbade retreat, and whose resolution was as fixed as it was calm, possessed energy enough to have accomplished his purpose. He undoubtedly had watched with deep interest the progress of Massachusetts; "the Conclusions" had early attracted his attention; (4) and in 1631 he had taken part in a purchase of territory on the Naragansett. (5) It has been conjectured, (6) asserted, (7) and even circumstantially related, (8) that he passed the winter with the colony of New Plymouth. A person who bore the same or nearly the same name (9) was undoubtedly there; but the greatest patriot-statesman of his times,—the man whom Charles I. would gladly have seen drawn and quartered,—whom Clarendon paints as possessing beyond all his contemporaries "a head to contrive, a tongue to persuade, and a hand to execute,"—and whom the fervent Baxter revered as able, by his presence and conversation, to give a new charm to the rest of the Saints in heaven,—was never in America. Nor did he ever embark for America: the fleet in which he is said to have taken his passage was delayed but a few days; on petition of the owners and passengers, King Charles removed the restraint; (10) the ships proceeded on their intended voyage; and the whole company, as it seems, without diminution, arrived safely in the Bay of Massachusetts. (11) Had Hampden and Cromwell been of the party, they too would have reached New England.

(1) Hutchinson, i. 44.

(2) Winthrop, i. 268.

(3) *Nulla vestigia retrorsum.*

(4) Nugent, i. 173, 174.

(5) Potter's *Narragansett*, 14—Comp. Trumbull.(6) Belknap's *Biog.* ii. 229.(7) *N. Amer. Review*, vi. 28.(8) Fr. Baylies, *Memoir*, i. 110, takes fire at the thought.(9) ii. *Massachusetts Hist. Coll.* viii. 258. More probably John Hamblin,

a common name in the Old Colony.

(10) Rushworth, ii. 409. Aikin's *Charles I.* i. 471—473.(11) *Winthrop*, i. 266, is decisive.

A few weeks before this attempt to stay emigration, the lords of the council had written to Winthrop, recalling to mind the former proceedings by a *quo warranto*, and demanding the return of the patent. In case of refusal, it was added, the king would assume into his own hands the entire management of the plantation.⁽¹⁾

But "David in exile could more safely expostulate with Saul for the vast space between them." The colonists, without desponding, demanded a trial before condemnation. They urged that the recall of the patent would be a manifest breach of faith, pregnant with evils to themselves and their neighbours; that it would strengthen the plantations of the French and the Dutch; that it would discourage all future attempts at colonial enterprise; and, finally, "if the patent be taken from us,"—such was their cautious but energetic remonstrance,—"the common people will conceive that his Majesty hath cast them off, and that hereby they are freed from their allegiance and subjection, and therefore will be ready to confederate themselves under a new government, for their necessary safety and subsistence, which will be of dangerous example unto other plantations, and perilous to ourselves, of incurring his Majesty's displeasure."⁽²⁾ They therefore beg of the royal clemency the favour of neglect.

But before their supplication could find its way to the throne, the monarch was himself already involved in disasters. Anticipating success in his tyranny in England, he had resolved to practise no forbearance; with headlong indiscretion, he insisted on introducing a liturgy into Scotland, and compelling the uncompromising disciples of Knox to listen to prayers translated from the Roman missal. The first attempt at reading the new service¹⁶³⁷ in the cathedral of Edinburgh, was the signal for that series of momentous events which promised to restore liberty to England, and give peace to the colonies. The movement began, as great revolutions almost always do, from the ranks of the people. "What, ye villain!" shouted the old women at the dean, as he read the liturgy, "will ye say mass in my lug?"—"A pape, a pape!" resounded the multitude, incensed against the bishop; "stane him, stane him!" The churchmen narrowly escaped martyrdom. The tumult spreads; the nobles of

(1) Hubbard, 268, 269. Hazard, i. 432, 433. Hutchinson's Coll. 105, 106.

(2) Hubbard, 269—271. Hutch. i. App. No. v. Hazard, i. 434, 436.

Scotland take advantage of the excitement of the people to advance their ambition. The national covenant is published, and is signed by the Scottish nation, almost without distinction of rank or sex; the defences of despotism are broken down: the flood washes away every vestige of ecclesiastical oppression. Scotland rises in arms for a holy war, and enlists religious enthusiasm under its banner in its contest against a despot, who has neither a regular treasury, nor an army, nor the confidence of his people. The wisest of his subjects esteem the insurgents as their friends and allies. There is now no time to oppress New England; the throne itself totters;—there is no need to forbid emigration; England is at once become the theatre of wonderful events; and many fiery spirits, who had fled for a refuge to the colonies, rush back to share in the open struggle for liberty. In the following years, few passengers came over; the reformation of church and state, the attainder of Strafford, the impeachment of Laud, the great enemy of Massachusetts, caused all men to stay in England, in expectation of a new world.(1)

Yet a nation was already planted in New England; a commonwealth was matured; the contests in which the unfortunate Charles became engaged, and the republican revolution that followed, left the colonists, for the space of twenty years, nearly unmolested in the enjoyment of the benefits of virtual independence. The change which their industry had wrought in the wilderness, was the admiration of their times,—the wonder of the world.(2) Plenty prevailed throughout the settlements. The wigwams and hovels in which the English had at first found shelter, were replaced by well-built houses. The number of emigrants who had arrived in New England before the assembling of the Long Parliament, are esteemed to have been twenty-one thousand two hundred.(3) One(4) hundred and ninety-eight ships had borne them across the

(1) Winthrop, ii. 7, 31, 74.

(2) Lechford, 47. Johnson, b. ii. c. xxi.

(3) Johnson, b. i. c. xiv. Josselyn's N. E. 258. Dummer's Defence of N. E. Charters. Hutchinson, i. 91. Davis, in ii. Mass. Hist. Coll. i. xxiii. Neal's N. E. i. 213, and Douglass's Summary, i. 381, are in error. Mather, b. i. c. viii. s. 7.

(4) I have no doubt, 198, and not 998. Compare Savage and Winthrop, ii. 331, and ii. 91, where there is another example of a mistake in printing from the Arabic numerals of Johnson. The accounts preserved of the arrivals in America will not admit the larger statement.

Atlantic; and the whole cost of the plantations had been almost a million of dollars,—a great expenditure and a great emigration for that age; yet in 1832 more than fifty thousand persons arrived at the single port of Quebec in one summer, bringing with them a capital exceeding three millions of dollars. In a little more than ten years, fifty towns and villages had been planted; between thirty and forty churches built; and strangers, as they gazed, could not but acknowledge God's blessing on the endeavours of the planters.⁽¹⁾ Affluence was already beginning to follow in the train of industry. The natural exports of the country were furs and lumber; grain was carried to the West Indies; fish also was a staple. The business of ship-building, in which so great excellence has been attained, was early introduced. Vessels of four hundred tons were constructed before 1643. So long as the ports were filled with new comers, the domestic consumption had required nearly all the produce of the colony. But now, says

Winthrop⁽²⁾ (and, in the history of American industry, the fact is worth preserving), "our supplies from England failing much, men began to look about them, and fell to a manufacture of cotton, whereof we had store from Barbadoes." In view of the exigency, "the general court" had already "made order for the manufacture of woollen and linen cloth."⁽³⁾

^{1641.} The Long Parliament contained among its members many sincere favours of the Puritan plantations. Yet the English in America, with wise circumspection, did not for a moment forget the dangers of a foreign jurisdiction. "Upon the great liberty which the king had left the parliament in England, some of our friends there wrote to us advice to solicit for us in the parliament, giving us hope that we might obtain much. But consulting about it, we declined the motion for this consideration, that if we should put ourselves under the protection of the parliament, we must then be subject to all such laws as they should make, or, at least, such as they might impose upon us. It might prove very prejudicial to us."⁽⁴⁾ The love of political independence declined even benefits.

When letters arrived, inviting the colonial churches to send their deputies to the Westminster assembly of divines,

(1) *New England's First Fruits*, in *i. Mass. Hist. Coll.* i. 247.

(2) Winthrop, *ii.* 119.

(4) Winthrop, *ii.* 25. *i. Hist. Coll.* vi. 156.

(3) Hubbard, *c.* xxii.

the same sagacity led them to neglect the invitation.

Especially Hooker, of Hartford, whom historians
1642. have so often taunted with jealous ambition, and who was remarkable for avoiding notoriety, "liked not the business," and deemed it his duty rather to stay in quiet and obscurity with his people in Connecticut, than to turn propagandist, and plead for Independency in England.⁽¹⁾

Yet such commercial advantages as might be obtained without a surrender of their chartered rights, were objects of desire. Hugh Peters and two others had been despatched as agents for the colonies, and their mission was favourably
1643. received. The House of Commons publicly acknowledged, that "the plantations in New England had, by the blessing of the Almighty, had good and prosperous success, without any public charge to the parent state;" and their imports and exports were freed from all taxation, "until the House of Commons should take order to the contrary."⁽²⁾ The general court of Massachusetts received the ordinance hardly as a boon from a sovereign, but rather as a courtesy and a benefit from a friendly state; and while they entered it on their records as a memorial for posterity, they sought to requite the kindness by reciprocity of legislation.

Still more important for New England were the
1641. benefits of a secure domestic legislation. Among the first fruits may be esteemed the general declaration of the principles of liberty—the promulgation of a bill of rights.⁽³⁾ Universal suffrage was not established; but every man, whether inhabitant or foreigner, freeman or not freeman, received the right of introducing any business into any public meeting, and of taking part in its deliberations.⁽⁴⁾ The colony, moreover, offered a free welcome and aid, at the public cost, to Christians of every nation, who might fly beyond the Atlantic "to escape from wars or famine, or the tyranny and oppression of their persecutors."⁽⁵⁾ The nation, by a special statute, made the fugitive and the persecuted the guests of the commonwealth. Its hospitality was as wide as misfortune.

The same liberality dictated the terms on which the

(1) Winthrop, ii. 76.

(2) Hazard, i. 114. Winthrop, ii. 98. Hutchinson, i. 110. Chalmers, 174.

(3) Laws of 1641, ed. of 1660, p. 1, 26, 27, 28, and 50. Winthrop, ii. 55.

(4) Laws, ed. 1660, p. 50.

(5) Laws, ed. 1660, p. 73.

jurisdiction of Massachusetts was extended over New Hampshire; and the strict interpretation of the charter offered an excuse for claiming the territory. Maryland suffered for almost twenty years the evils of a disputed jurisdiction, before its citizens asserted their claims to self-government: the people of New Hampshire, dreading the perils of anarchy, provided a remedy, by the immediate exercise of their natural rights, and, by their own voluntary act, they were annexed to their powerful neighbour—not as a province, but on equal terms, as an integral portion of the state. The change was effected with great deliberation. The banks of the Piscataqua had not been peopled by Puritans; and the system of Massachusetts could not properly be applied to the new acquisitions. The general court adopted the measure which justice recommended; neither the freemen nor the deputies of New Hampshire were required to be church members. Thus political harmony was established, though the settlements long retained marks of the difference of their origin.⁽¹⁾

The attempt to gain possession of the territory on Narragansett Bay was less deserving of success. Massachusetts proceeded with the decision of an independent state. Samuel Gorton, a wild but benevolent enthusiast, who used to say, heaven was not a place, there was no heaven but in the hearts of good men, no hell but in the mind, had created disturbances in the district of Warwick. A minority of the inhabitants, wearied with harassing disputes, requested the interference of the magistrates of Massachusetts,⁽²⁾ and two sachems, near Providence, surrendered the soil to the jurisdiction of that state.⁽³⁾ Gorton and his partisans did not disguise their scorn for the colonial clergy; they were advocates for liberty of conscience, and, at the same time, having no hope of protection except from England, they were, by their position, enemies to colonial independence; they denied the authority of the magistrates of Massachusetts, not only on the soil of Warwick, but everywhere, inasmuch as it was tainted by a want of true allegiance. Such opinions, if carried into effect, would have destroyed the

(1) Belknap, c. ii. Adams, p. 30. Hubbard, 371, 372. Compare Winthrop, ii. 28 and 93.

(2) *Mass. Hist. Coll.* i. 2—4. Winthrop, ii. 59. Hubbard, 406.

(3) Winthrop, ii. 120—123.

ecclesiastical system of Massachusetts, and subverted its liberties, and were therefore thought worthy of death; but the public opinion of the time, as expressed by a small majority of the deputies, was more merciful, and Gorton and his associates were imprisoned. It is the nature of a popular state to cherish peace; the people murmured at the severity of their rulers, and the imprisoned men were soon set at liberty; but the claim to the territory was not immediately abandoned.(1)

The enlargement of the territory of Massachusetts was, in part, a result of the virtual independence which the commotions in the mother country had secured to the colonies. The establishment of a UNION among the Puritan states of New England, was a still more important measure.

1637. Immediately after the victories over the Pequods, at a time when the earliest synod had gathered in Boston the leading magistrates and elders of Connecticut, the design of a confederacy was proposed. Many of the American statesmen, familiar with the character of the government of Holland, possessed sufficient experience and knowledge to frame the necessary plan; but time was wanting; the agents of Plymouth could not be seasonably summoned, and the subject was deferred. The next year

1638. it came again into discussion; but Connecticut, offended "because some pre-eminence was yielded to Massachusetts," insisted on reserving to each state a negative on the proceedings of the confederacy. This reservation was refused; for, in that case, said Massachusetts, "all would have come to nothing."

1639. The vicinity of the Dutch, a powerful neighbour, whose claims Connecticut could not, single-handed, defeat, led the colonists of the west to renew the negotiation; and with such success, that, within a few years, THE UNITED COLONIES OF NEW ENGLAND were "made

(1) On Gorton, see Eliot, in iii. Mass. Hist. Coll. iv. 136. Winthrop, i. 91, 296, ii. 58, 59, and Eddy's note, 142—148, 156, 165, 166, 280, 295, 299, 317, 322. Colony Records, ii. Johnson, b. ii. c. xxiii. xxiv. Lechford, 41, 42. Gorton, in ii. Mass. Hist. Coll. viii. 68—70. Morton, 202—206. Gorton, in Hutchinson, 1. App. xx. Hubbard, 343, 344, 401—407, and 500—512. Hazard, i. 546—553. C. Mather, b. vii. c. ii. s. 12. Callender, 35, 38. Hopkins, in ii. Mass. Hist. Coll. ix. 199—201. Hutchinson, i. 114—118. Hutchinson's Coll. 227—239, and 405, 415. Backus, i. 118 and ff. Eliot, in i. Mass. Hist. Coll. ix. 35—38. Knowles, 182—189. Savage on Winthrop, ii. 147—149. Baylies, N.P. i. c. xii. Best of all is Gorton's own account, with the accurate commentary of Staples.

all as one.”(1) Protection against the encroachments of the Dutch and the French; security against the tribes of savages; the liberties of the gospel in purity and in peace,—these were the motives to the confederacy, which did, itself, continue nearly half a century, and which, even after it was cut down, left a hope that a new and a better union would spring from its root.

Neither was the measure accomplished without a progress in political science. If the delegates from three of the states were empowered to frame and definitively conclude a union, the colony of Plymouth now set the example of requiring that the act of their constituent representatives should have no force till confirmed by a majority of the people.

The union embraced the separate governments of Massachusetts, Plymouth, Connecticut, and New Haven; but to each its respective local jurisdiction was carefully reserved. The question of State rights is nearly two hundred years old. The affairs of the confederacy were intrusted to commissioners, consisting of two from each colony. Church membership was the only qualification required for the office. The commissioners, who were to assemble annually, or oftener if exigencies demanded, might deliberate on all things which are “the proper concomitants or consequents of a confederation.” The affairs of peace and war, and especially Indian affairs, exclusively belonged to them; they were authorized to make internal improvements at the common charge; they, too, were the guardians to see equal and speedy justice assured to all the confederates in every jurisdiction. The common expenses were to be assessed according to population.

Thus remarkable for unmixed simplicity was the form of the first confederated government(2) in America. It was a directory, apparently without any check. There was no president, except as a moderator of its meetings; and the larger state, Massachusetts, superior to all the rest in territory, wealth, and population, had no greater number of votes than New Haven. But the commissioners were, in reality, little more than a deliberative body; they possessed no executive power, and, while they

(1) Winthrop, i. 237, 284, 299; ii. 350, 266. Hubbard, 466. Johnson, b. ii. c. xxiii.

(2) On the Confederacy—the Records, in Hazard, v. ii. Winthrop, ii. 101—106. Morton, 229. Hubbard, c. iii.

could decree a war and a levy of troops, it remained for the states to carry their votes into effect.

Provision was made for the reception of new members into the league; but the provision was wholly without results. The people beyond the Piscataqua were not admitted, because "they ran a different course" from the Puritans, "both in their ministry and in their civil administration." The plantations of Providence also desired in vain to participate in the benefits of the union;(1) and the request of the island of Rhode Island was equally rejected, because it would not consent to form a part of the jurisdiction of Plymouth.(2) Yet this early confederacy survived the jealousies of the Long Parliament, met with favour from the Protector, and remained safe from censure on the restoration of the Stuarts.

Its chief office was the security of the settlements against the natives, whose power was growing more formidable in proportion as they became acquainted with the arts of civilized life. But they were, at the same time, weakened by dissensions among themselves. Now that the Pequot nation was extinct, the more quiet Narragansetts could hardly remain at peace with the less numerous Mohegans. Anger and revenge brooded in the mind of Miantonomoh. He hated the Mohegans, for they were the allies of the English, by whom he had been arraigned as a criminal. He had suffered indignities at Boston, alike wounding to his pride as a chieftain and his honour as a man. His savage wrath was kindled against Uncas, his accuser, whom he detested as doubly his enemy,—once as the sachem of a hostile tribe, and again as a traitor to the whole Indian race, the cringing sycophant of the white men. Gathering his men suddenly together, in defiance of a treaty to which the English were parties,(3) Miantonomoh, accompanied by a thousand warriors, fell upon the Mohegans. But his movements were as rash as his spirit was impetuous; he was defeated and taken prisoner by those whom he had doomed as a certain prey to his vengeance. By the laws of Indian warfare the fate of the captive was death. Yet Gorton and his friends, who held their lands by a grant from Miantonomoh interceded for their benefactor. The unhappy chief was conducted to Hartford; and the wavering Uncas, who had the strongest

(1) Mass. MS. State Papers, Case i. File 1. No. 17.

(2) Hazard, ii. 99, 100.

(3) Hubbard's Indian Wars, 42.

claims to the gratitude and protection of the English,(1) asked the advice of the commissioners of the United Colonies. Murder had ever been severely punished by the Puritans; they had, at Plymouth, with the advice of Massachusetts, executed three of their own men for taking the life of one Indian; and the elders, to whom the case of Miantonomoh was referred, finding that he had, deliberately and in time of quiet, murdered a servant in the service of the Mohegan chief; that he had fomented discontents against the English; and that, in contempt of a league, he had plunged into a useless and bloody war,—could not perceive in his career any claims to mercy. He seemed to merit death, yet not at the hands of the settlers. Uncas received his captive, and, conveying the helpless victim beyond the limits of the jurisdiction of Connecticut, put him to death.(2) So perished Miantonomoh, the friend of the exiles from Massachusetts, the faithful benefactor of the fathers of Rhode Island.

The tribe of Miantonomoh burned to avenge the execution of their chief; but they feared a conflict with the English, whose alliance they vainly solicited, and who persevered in protecting the Mohegans. The Narragansetts were at last compelled to submit in sullenness to a peace, of which the terms were alike hateful to their independence, their prosperity, and their love of revenge.(3)

While the commissioners, thus unreservedly and without appeal, controlled the relation of the native tribes, the spirit of independence was still further displayed by a direct negotiation and a solemn treaty of peace with the governor of Acadia.(4)

Content with the security which the confederacy afforded, the people of Connecticut desired no guarantee for their independence from the government of England; taking 1644. care only, by a regular purchase, to obtain a title to 1646. the soil from the assigns of the Earl of Warwick.(5) The people of Rhode Island, excluded from the colonial

(1) *ii. Mass. H. C. viii. 137, 141.*

(2) *Records, in Hazard, ii. 7—13. I. Mather's Ind. Troubles, 56, 57. Morton, 234. Winthrop, ii. 130, 134. Hubbard's Indian Wars, 43—45. Johnson, b. ii. c. xxiii. Trumbull, i. 129—135. Drake, b. ii. 67. Relation in iii. Mass. Hist. Coll. iii. 161 and ff. Gorton, in Staples's edition, 154 and ff. See the opinions and arguments of Hopkins, and Savage, and Staples, of Davis and Holmes.*

(3) *Hazard, ii. 40—50. Winthrop, ii. 198, 246, 380.*

(4) *Winthrop, ii. 197. Hazard, i. 536 and 537, and ii. 50, 54.*

(5) *Trumbull, i. App. v. and vi.*

union, would never have maintained their existence as a separate state, had they not sought the interference and protection of the mother country; and the founder
1643. of the colony was chosen to conduct the important mission.

Embarking at Manhattan, he arrived in England not long after the death of Hampden. The parliament had placed the affairs of the American colonies under the control of Warwick, as governor-in-chief, assisted by a council of five peers and twelve commoners.(1) Among these commoners was Henry Vane, a man who was ever as true in his affections as in his principles, and who now welcomed the American envoy as an ancient friend. The favour of parliament was won by the incomparable "printed Indian labours of Roger Williams,(2) the like whereof was not extant from any part of America;" and his merits as a missionary induced "both Houses of Parliament to grant unto him, and friends with him, a free and absolute charter(3) of civil government for those parts of his abode." (4) Thus were the places of refuge for
1644. "soul-liberty," on the Narragansett Bay, incorporated "with full power and authority to rule themselves." To the Long Parliament, and especially to Sir Henry Vane, Rhode Island owes its existence as a political state.

A double triumph awaited Williams on his return to New England. He arrived at Boston, and letters from the parliament insured him a safe reception from those who had decreed his banishment. But what honours prepared for the happy negotiator, on his return to the province which he had founded! As he reached Seekonk, he found the water covered with a fleet of canoes; all Providence had come forth to welcome the return of its benefactor. Receiving their successful ambassador, the group of boats started for the opposite shore; and, as they paddled across the stream, Roger Williams, placed in the centre of his grateful fellow-citizens, and glowing with the purest joy, "was elevated and transported out of himself." (5)

And now came the experiment of the efficacy of popular sovereignty. The value of a moral principle may be tried

(1) Hazard, i. 533, 535.

(2) Rhode Island Hist. Coll. i.

(3) ii. Mass. Hist. Coll. ix. 185.

(4) Winthrop, ii. 193. Knowles, 200. See also Callender and Backus,—both very good authorities, because both followed original documents.

(5) Knowles, 202. The work of Knowles is of high value.

on a small community as well as a large one; the experiment on magnetism, made with a child's toy, gives as sure a result as when the agency of that subtle power is wrought in its influence on the globe. There were already several towns in the new state, filled with the strangest and most incongruous elements,—Anabaptists and Antinomians, fanatics (as its enemies asserted) and infidels; so that, if a man had lost his religious opinions, he might have been sure to find them again in some village of Rhode Island. All men were equal; all might meet and debate in the public assemblies; all might aspire to office; the people, for a season, constituted itself its own tribune, and every public law required confirmation in the primary assemblies. And so it came to pass, that the little "democracie," which, at the beat of the drum or the voice of the herald, used to assemble beneath an oak or by the open sea-side, was famous for its "headiness and tumults," its stormy town-meetings, and the angry feuds of its herdsmen and shepherds. But, true as the needle to the pole, the popular will instinctively pursued the popular interest. Amidst the jarring quarrels of rival statesmen in the plantations, good men were chosen to administer the government; and the spirit of mercy, of liberality, and wisdom, was impressed on its legislation.⁽¹⁾ "Our popularitie," say their records, "shall not, as some conjecture it will, prove an anarchie, and so a common tirannie; for we are exceeding desirous to preserve every man safe in his person, name, and estate."⁽²⁾

The danger still menaced. The executive council of state in England had granted to Coddington a commission for governing the islands; and such a dismemberment of the territory of the narrow state must have terminated in the division of the remaining soil between the adjacent governments. Williams was again compelled to return to England; and, with John Clarke, his colleague in the mission, was again successful. The dangerous commission was vacated, and the charter and union of what now forms the state of Rhode Island confirmed. The general assembly, in its gratitude, desired that Williams might himself obtain from the sovereign authority in England an appointment as governor for a year over the whole colony. But if gratitude blinded the province,

(1) *II. Mass. Hist. Coll. vii. 78, &c.*

(2) *MS. Records of R. I. for 1647.*

ambition did not blind its benevolent author. Williams refused to sanction a measure which would have furnished a dangerous precedent, and was content with the honour of doing good. His entire success with the executive council was due to the powerful intercession of Sir Henry Vane. "Under God, the sheet-anchor of Rhode Island was Sir Henry." (1) But for him, Rhode Island would, perhaps, have been divided among its neighbours. "From the first beginning of the Providence colony," thus 1654. did the town-meeting address Sir Henry Vane,— "you have been a noble and true friend to an outcast and despised people; we have ever reaped the sweet fruits of your constant loving-kindness and favour. We have long been free from the iron yoke of wolvisb bishops; we have sitten dry from the streams of blood spilt by the wars in our native country. We have not felt the new chains of the Presbyterian tyrants, nor, in this colony, have we been consumed by the over-zealous fire of the (so-called) godly Christian magistrates. We have not known what an excise means; we have almost forgotten what tithes are. We have long drunk of the cup of as great liberties as any people that we can hear of under the whole heaven. When we are gone, our posterity and children after us shall read, in our town records, your loving-kindness to us, and our real endeavour after peace and righteousness."

Far different were the early destinies of the province of Maine. A general court was held at Saco, under the auspices of the lord proprietary, who had drawn upon 1640. paper a stately scheme of government, with deputies and counsellors, a marshal and a treasurer of the public revenue, chancellors, and a master of the ordnance, and everything that the worthy old man deemed essential 1642. to his greatness. Sir Ferdinand had "travailed in the cause above forty years," and expended above twenty thousand pounds; yet all the regalia which Thomas Gorges, his trusty and well-beloved cousin and deputy, could find in the principality, were not enough for the scanty furniture of a cottage. Agamenticus, though in truth but "a poor village," (2) soon became a chartered borough; like another Romulus, the veteran soldier resolved to perpetuate his name, and, under the name of Gorgeana, the land round York became as good a city as seals and parchment, a nominal mayor and aldermen, &

(1) *Backus*, i. 286.(2) *Wintthrop*, ii. 100.

chancery court and a court-lect, sergeants and white rods, can make of a town of less than three hundred inhabitants and its petty officers. Yet the nature of Gorges was generous, and his piety sincere. He sought pleasure in doing good; fame, by advancing Christianity among the heathen; a durable monument, by erecting houses, villages, and towns. The contemporary and friend of Raleigh, he adhered to schemes in America for almost half a century; and long after he became convinced of their unproductiveness, was still bent on plans of colonization, at an age when other men are but preparing to die with decorum. Firmly attached to the monarchy, he never disobeyed his king, except that, as a churchman and a Protestant, he refused to serve against the Huguenots. When the wars in England broke out, the septuagenarian royalist buckled on his armour, and gave the last strength of his gray hairs to the defence of the unfortunate Charles.⁽¹⁾ In America, his fortunes had met with a succession of untoward events. The patent for Lygonia had been purchased by Rigby, a 1643, republican member of the Long Parliament, and a 1644. pute ensued between the deputies of the respective proprietaries. In vain did Cleaves, the agent of Rigby, solicit the assistance of Massachusetts; the colony warily refused to take part in the strife. It marks the confidence of all men in the justice of the Puritans, that both aspirants now appealed to the Bay magistrates, and solicited them to act 1645. as umpires. The cause was learnedly argued in Boston, and the decree of the court was oracular. Neither party was allowed to have a clear right; and both were enjoined to live in peace. But how could Vines and Cleaves assert their authority? On the death of Gorges, the people repeatedly wrote to his heirs. No 1647- answer was received; and such commissioners as had 1648. authority from Europe gradually withdrew. There was no relief for the colonists but in themselves; and the inhabitants of Piscataqua, Gorgeana, and Wells, 1649. following the American precedent, with free and unanimous consent (2) formed themselves into a body politic for the purposes of self-government. Massachusetts readily offered its protection. The great charter of 1652. the Bay company was unrolled before the general court in Boston, and, "upon perusal of the instrument, it was voted that this jurisdiction extends from the northern-

(1) *Hutch. Coll.* 386, 387.

(2) *i. Mass. Hist. Coll.* 1. 100.

most part of the River Merrimack, and three miles more, north, be it one hundred miles, more or lesse, from the sea; and then upon a straight line east and west to each sea." (1) The words were precise. Nothing remained but to find the latitude of a point three miles to the north of the remotest waters of the Merrimack, and to claim all the territory of Maine which lies south of that parallel; for the grant to Massachusetts was prior to the patents under which Rigby and the heirs of Gorges had been disputing. Nor did the "engraving" Massachusetts make an idle boast of the territorial extent of its chartered rights. Commissioners were promptly despatched to the eastward to settle the government. The firm remonstrances of Edward Godfrey, then governor of the 1652- province, a loyal friend to the English monarchy and 1653. the English church, were disregarded; and one town after another, yielding in part to menaces and armed force, gave in its adhesion. Great care was observed to guard the rights of property; every man was confirmed in his possessions; the religious liberty of the Episcopalians was left unharmed; the privileges of citizenship were extended to all inhabitants; and the whole eastern country gradually, yet reluctantly, submitted to the necessity of the change. When the claims of the proprietaries in England were urged before Cromwell, many inhabitants 1656. of the towns of York, Kittery, Wells, Saco, and Cape Porpoise, yet not a majority, remonstrated on the ground of former experience. To sever them from Massachusetts would be to them "the subverting of all civil order." (2)

Thus did Massachusetts, following the most favourable interpretation of its charter, extend its frontier to the islands in Casco Bay. It was equally successful in maintaining its independence of the Long Parliament; though the circumstances of the contest were fatal to the immediate assertion of the liberty of conscience.

With the increase of English freedom, the dangers 1644. which had menaced Massachusetts appeared to pass away; its government began to adventure on a more lenient policy; the sentence of exile against Wheelwright

(1) Mass. State Papers, Case i. File vii. Nos. 4, 20, 58; viii. Nos. 17, 44, 45, 46, 47; x. No. 88.

(2) Documents in Maine Hist. Coll. 296, 299. MS. Letter of Geo. Folsom.

was rescinded; a proposition was made to extend the franchises of the company to those who were not church members, provided "a civil agreement among all the English could be formed" for asserting the common liberty. For this purpose letters were written to the confederated states; but the want of concert defeated the plan. The law which, nearly at the same time, threatened obstinate Anabaptists with exile, was not designed to be enforced. "Anabaptism," says Jeremy Taylor in his famous argument for liberty, "is as much to be rooted out as anything that is the greatest pest and nuisance to the public interest." The fathers of Massachusetts reasoned more mildly. The dangers apprehended from some wild and turbulent spirits, "whose conscience and religion seemed only to sett forth themselves and raise contentions in the country, did provoke us"—such was their language at the time—"to provide for our safety by a law, that all such should take notice how unwelcome they should be unto us, either comeing or staying. But for such as differ from us only in judgment, and live peaceably amongst us, such have no cause to complain; for it hath never beene as yet putt in execution against any of them, although such are known to live amongst us." (1) Even two of the presidents of Harvard college were Anabaptists.

While dissenters were thus treated with an equivocal toleration, no concessions were made towards the government in England. It was the creed of even the most loyal deputy, that "if the king, or any party from him, should attempt anything against this commonwealth," it was a common duty "to spend estate, and life, and all, without scruple, in its defence;" that "if the parliament itself should hereafter be of a malignant spirit, then, if the colony have strength sufficient, it may withstand any authority from thence to its hurt." (2) Massachusetts called itself "a perfect republic." (3) Nor was the expression a vain boast. The commonwealth, by force of arms, preserved in its harbours a neutrality between the ships of the opposing English factions; and the law which placed death as the penalty on any "attempt at the alteration of the frame of polity fundamentally," (4) was well understood to be aimed at those who should assert the absolute supremacy of the English parliament. The

(1) Hutchinson's Coll. 216.

(3) *Respublica perfecta*.

(2) Winthrop, II. 176, 183.

(4) *Colony Laws*.

establishment of a mint in 1652 was a further exercise of sovereignty.

Whilst the public mind was agitated with discussions on liberty of conscience and independence of English jurisdiction, the community, in this infancy of popular government, was disturbed with a third "great question about the authority of the magistrates and the liberty of the people." (1)

A democratic party had for many years been acquiring a control of public opinion. The oldest dispute in the 1639. colony related to the grounds and limits of the author-
1634. ity of the governor. In Boston, on occasion of dividing the town lands, "men of the inferior sort were chosen." Eliot, the apostle of the Indians, maintained that treaties should not be made without consulting the commons. The doctrine of rotation in office was 1639. asserted, even to the neglect of Winthrop, "lest there should be a governor for life." When one of the elders proposed that the place of governor should be held for life the deputies immediately resolved that no magistrate 1639. of any kind should be elected for more than a year.
1644. The magistrates once, assembling in a sort of aristocratic caucus, nominated several persons for office, and the people took care to reject every one of the candidates thus proposed. On the other hand, when one of the ministers attempted to dissuade the people from choosing the same officers twice in succession, they disliked the interference of the adviser more than they loved the doctrine of frequent change, and re-elected the old magistrates almost without exception. The condition of a new colony which discarded the legislation of the mother country, necessarily left many things to the opinions of the executive. The people were loud in demanding a government of law, and not of discretion. No sooner had the benevolent Winthrop pleaded against the establishment of an exact penalty for every offence,—because justice, not less than mercy, imposed the duty of regulating the punishment by the circumstances of the case, —than the cry of arbitrary power was raised; and the people refused the hope of clemency, when it was to be obtained from the accidental compassion and the capricious judgments of a magistrate. The authority exercised by the assistants during the intervals between the sessions.

(1) Winthrop, ii. 228.

became a subject of apprehension. The popular party having a majority of the deputies, proposed to substitute a joint commission. The proposition being declined as inconsistent with the patent, they then desired to reserve the question for further deliberation. When to this it was answered, that, in the mean time, the assistants would act according to the power and trust which they claimed by the charter, the deputies immediately rejoined, by their speaker, Hawthorne, "You will not be obeyed." The same spirit occasioned the strenuous, though unsuccessful efforts to deprive the magistrates of their negative on the doings of the house. The negative power was feared as a bulwark of authority, a limitation of the power of the popular will.(1)

Such had been the progress of public opinion, when the popular party felt a consciousness of so great strength, as to desire a struggle with its opponents. The opportunity could not long be wanting. The executive magistrates, accustomed to tutelary vigilance over the welfare of the towns, had set aside a military election in Hingham. There had been, perhaps, in the proceedings, sufficient irregularity to warrant the interference. The affair came before the general court. "Two of the magistrates and a small majority of the deputies were of opinion that the magistrates exercised too much power, and that the people's liberty was thereby in danger; while nearly half the deputies, and all the rest of the magistrates, judged that authority was overmuch slighted, which, if not remedied, would endanger the commonwealth, and introduce a mere democracy." The two branches being thus at variance, a reference to the arbitration of the elders was proposed. But "to this the deputies would by no means consent; for they knew that many of the elders were more careful to uphold the honour and power of the magistrates than themselves well liked of." The angry conferences of a long session followed. But the magistrates, sustained by the ministers, excelled the popular party in firmness and in self-possession. The latter lost ground by joining issue on a question where its own interest eventually required its defeat.

For the root of the disturbance at Hingham existed in "a presbyterial spirit," which opposed the government of

(1) *Winthrop*, i. 82, 83, 151, 152, 299, 300, 301, 302; ii. 167, 169, 172, 204, 310, 307, 343.

the colonial commonwealth. Some of those who pleaded the laws of England against the charter and the administration in Massachusetts, had been committed by Winthrop for contempt of the established authority. It was now proposed to procure their release by his impeachment. Hitherto the enemies of the state had united with the popular party, and both had assailed the charter as the basis of magisterial power,—the former with the view of invoking the interposition of England, the latter in the hope of increasing popular liberty. But the citizens could not be induced, even in the excitement of political divisions, to wrong the purest of their leaders, and the factious elements were rendered harmless by decomposition. Winthrop appeared at the bar only to triumph in his integrity. "Civil liberty," said the noble-minded man, in 'a little speech' on the occasion, "is the proper end and object of authority, and cannot subsist without it. It is a liberty to that only which is good, just, and honest. This liberty you are to stand for with the hazard not only of your goods, but, if need be, of your lives. Whatsoever crosseth this is not authority, but a disorder thereof."

It now became possible to adjust the long-continued difference by a compromise. The power of the magistrates over the militia was diminished by law; (1) but though the magistrates themselves were by some declared to be but public servants, holding "a ministerial office," and though it became a favourite idea that all authority resides essentially with the people in their body representative, yet the Hingham disturbers were punished by heavy fines, while Winthrop and his friends retained (what they deserved) the affectionate confidence of the colony. The opposition of Bellingham was due to his jealousy of Winthrop and Dudley, the chief officers of the state, whom he would willingly have supplanted.

The court of Massachusetts was ready to concede the enjoyment of religious worship under the Presbyterian forms; (2) yet its enemies, defeated in their hope of a union with the popular party, were resolutely discontented, and now determined to rally on the question of liberty of conscience. The attempt was artful, for the doctrine had been rapidly making progress. Many books had come from England in defence of toleration. Many

1) Winthrop, ii. 246.

(2) Winslow, 22.

of the court were well inclined to suspend the laws against Anabaptists, and the order subjecting strangers to the supervision of the magistrates; and Winthrop thought that "the rule of hospitality required more moderation and indulgence." In Boston a powerful liberal party already openly existed. But now the apparent purpose of advancing religious freedom was made to disguise measures of the deadliest hostility to the frame of civil government. The nationality of New England was in danger. The existence of Poland was sacrificed, in the last century, by means of the Polish Dissidents, who appealing to the Russian cabinet to interfere in behalf of liberty of conscience, opened the doors of their country to the enemy of its independence. The Roman Catholic bigots were there the impassioned guardians of Polish nationality. The Calvinists of New England were of a cooler temperament; but with equal inflexibility they anchored their liberties on unmixed Puritanism. "To eat out the power of godliness," became an expression nearly synonymous with an attempt to acknowledge the direct supremacy of parliament. William Vassal, of Scituate, was the chief of the "busy and factious spirits, always opposite to the civil governments of the country and the way of its churches;" and, at the same time, through his brother, a member of the Long Parliament and of the commission for the colonies, he possessed influence in England. The movement began in Plymouth, by a proposition "for a full and free tolerance of religion to all men, without exception against Turk, Jew, Papist, Arian, Socinian, Familist, or any other." The deputies, not perceiving any political purpose, were ready to adopt the motion. "You would have admired," wrote Winslow to Winthrop, "to have seen how sweet this carion relished to the palate of most of them." (1) The plan was defeated by delay; and Massachusetts became the theatre of action.

The new party desired to subvert the charter government, and introduce a general governor from England. They endeavoured to acquire strength by rallying all the materials of opposition. The friends of Presbyterianism were soothed by hopes of a triumph; the democratic party was assured that the government should be more popular; *while the penurious were provoked by complaints of*

(1) Hutch. Coll. 154.

unwise expenditures and intolerable taxations.(1) But the people refused to be deceived; and when a petition for redress of grievances was presented to the general court, it was evidently designed for English ears. It had with difficulty obtained the signatures of seven men, and of these, some were sojourners in the colony, who desired only an excuse for appealing to England. The document was written in a spirit of wanton insult.(2) It introduced every topic that had been made the theme of party discussion, and asserted (what Lord Holt and Lord Treby would have confirmed, but what the colonists were not willing to concede) that there existed in the country no settled form of government according to the laws of England. An entire revolution was demanded; "if not," add the remonstrants, "we shall be necessitated to apply our humble desires to both houses of parliament;" and there was reason to fear that they would obtain a favourable hearing before the body whose authority they laboured to enlarge.

For Gorton had carried his complaints to the mother country, and though unaided by personal influence or by powerful friends, had succeeded in all his wishes. At this very juncture, an order respecting his claims arrived in Boston, and was couched in terms which involved an assertion of the right of parliament to reverse the decisions and control the government of Massachusetts. The danger was imminent. It struck at the very life and foundation of the rising commonwealth. Had the Long Parliament succeeded in revoking the patent of Massachusetts, the Stuarts, on their restoration, would have found not one chartered government in the colonies, and the tenor of American history would have been changed. The people rallied with great unanimity in support of their magistrates. A law had been drawn up, and was ready to pass, conferring on all residents equal power in town affairs, and enlarging the constituency of the state. It was deemed safe to defer the important enactment till the present controversy should be settled; the order against Anabaptists was likewise left unrepealed; and, notwithstanding strong opposition from the friends of toleration in Boston, it was resolved to convene a synod to give

(1) Johnson, H. Mass. Hist. Coll. viii. 6.

(2) Compare Hutch. Coll. 189, 212, 213.

counsel on the permanent settlement of the ecclesiastical polity.

At length the general court assembled for the discussion of the usurpations of parliament, and the dangers from domestic treachery. The elders did not fail to attend in the gloomy season. One faithless deputy was desired to withdraw; and then, with closed doors (that the consultation might remain in the breast of the court), the nature of the relation with England was made the subject of debate. After much deliberation, it was agreed that Massachusetts owed to England the same allegiance as the free Hans Towns had rendered to the empire; as Normandy, when its dukes were kings of England, had paid to the monarchs of France. It was also resolved not to accept a new charter from the parliament, for that would imply a surrender of the old. Besides, parliament granted none, but by way of ordinance, which the king might one day refuse to confirm, and always made for itself an express reservation of "a supreme power in all things." The elders, after a day's consultation, confirmed the decisions. "If parliament should be less inclinable to us, we must wait upon Providence for the preservation of our just liberties."

The colony then proceeded to exercise the independence which it claimed. The general court replied to the petition in a state-paper, written with great moderation; and the disturbers of the public security were summoned into its presence. Robert Childe and his companions appealed to the commissioners in England. The appeal was not admitted. "The charter," he urged, "does but create a corporation within the realm, subject to English laws."—"Plantations," replied the court, "are above the rank of an ordinary corporation; they have been esteemed other than towns, yea, than many cities. Colonies are the foundations of great commonwealths. It is the fruit of pride and folly to despise the day of small things."

To the parliament of England the Legislature remonstrated with the noblest frankness against any assertion of the paramount authority of that body.

"An order from England," say they, "is prejudicial to our chartered liberties, and to our well-being in this remote part of the world. Times may be changed; for all things here below are subject to vanity, and other princes or parliaments may arise. Let not succeeding

generations have cause to lament and say, England sent our fathers forth with happy liberties, which they enjoyed many years, notwithstanding all the enmity and opposition of the prelacy, and other potent adversaries, and yet these liberties were lost in the season when England itself recovered its own. We rode out the dangers of the sea; shall we perish in port? We have not admitted appeals to your authority, being assured they cannot stand with the liberty and power granted us by our charter, and would be destructive to all government. These considerations are not new to the high court of parliament; the records whereof bear witness of the wisdom and faithfulness of our ancestors in that great council, who, in those times of darkness, when they acknowledged a supremacy in the Roman bishops, in all causes ecclesiastical, yet would not allow appeals to Rome.

"The wisdom and experience of that great council, the English parliament, are more able to prescribe rules of government and judge causes, than such poor rustics as a wilderness can breed up; yet the vast distance between England and these parts abates the virtue of the strongest influences. Your councils and judgments can neither be so well grounded, nor so seasonably applied, as might either be useful to us, or safe for yourselves, in your discharge, in the great day of account. If any miscarriage shall befall us, when we have the government in our own hands, the state of England shall not answer for it.

"Continue your favourable aspect to these infant plantations, that we may still rejoice and bless our God under your shadow, and be there still nourished with the warmth and dews of heaven. Confirm our liberties; discountenance our enemies, the disturbers of our peace under pretence of our injustice. A gracious testimony of your wonted favour will oblige us and our posterity."

In the same spirit, Edward Winslow, the agent for Massachusetts in England, publicly denied that the jurisdiction of parliament extended to America. "If the parliament of England should impose laws upon us, having no burgesses in the House of Commons, nor capable of a summons by reason of the vast distance, we should lose the liberties and freedom of English indeed."⁽¹⁾ Massachusetts was not without steadfast friends in the legislature of England; yet it marks an honest love of liberty

(1) Winslow's *New England's Salamander*, 24.

and of justice in the Long Parliament, that the doctrines of colonial equality should have been received with favour. "Sir Henry Vane, though he might have taken occasion against the colony for some dishonour, which he apprehended to have been unjustly put upon him there, yet showed himself a true friend to New England, and a ^{1647.} man of a noble and generous mind.(1) After ample deliberation, the committee of parliament magnanimously replied, "We encourage no appeals from your justice. We leave you with all the freedom and latitude that may, in any respect, be duly claimed by you."(2)

Such were the arts by which Massachusetts preserved its liberties. The people sustained their magistrates with great unanimity; hardly five-and-twenty persons could be found in the whole jurisdiction to join in a complaint against the strictness of the government; and when the discontented introduced the dispute into the elections, their candidates were defeated by an overwhelming majority.(3)

The harmony of the people had been confirmed by the courage of the elders, who gave fervour to the enthusiasm of patriotism. "It had been as unnatural for a right New England man to live without an able ministry, as for a smith to work his iron without a fire." The union between the elders and the state could not, therefore, but become more intimate than ever; and religion was venerated and cherished as the security against political subserviency. When the synod met by adjournment, it was by the common consent of all the Puritan colonies, that a system of church government was established for the congregations.(4) The platform retained authority for more than a century, and has not yet lost its influence. It effectually excluded the Presbyterian modes of discipline from New England.

The jealousy of independence was preserved in its wake-

(1) Winthrop, ii. 248 and 317.

(2) Hutchinson, i. 136—140, is confused and inaccurate. Was it from ignorance? His errors are repeated by Chalmers and Grahame. The inquirer must go to the original authorities—Colony Records; Hutchinson's Collection, 188—218; Winthrop, ii. 278—301, and 317—332; N. E.'s Jonas cast up at London, in ii. Mass. Hist. Coll. iv. 167, &c.; E. Winslow's N. E.'s Salamander Discovered, in iii. Mass. Hist. Coll. ii. 116, &c. See also Johnson, b. iii. c. iii.; Hubbard, c. iv.; Hazard, i. 544, &c.

(3) Winthrop, ii. 307.

(4) Result of a Synod, &c. See also Winthrop and Hubbard. Cotton Mather is diffuse on the subject.

fulness. The Long Parliament asserted its power over ¹⁶⁵⁰⁻ the royalist colonies in general terms, which seemed ¹⁶⁵⁵⁻ alike to threaten the plantations of the north; and now that royalty was abolished, it invited Massachusetts to receive a new patent, and to hold courts and issue warrants in its name. But the colonial commonwealth was too wary to hazard its rights by merging them in the acts of a government of which the decline seemed approaching. It has been usual to say, that the people of Massachusetts foiled the Long Parliament. In a public state-paper, they refused to submit to its requisitions, and yet never carried their remonstrance beyond the point which their charter appeared to them to warrant.(1)

¹⁶⁵¹⁻ After the successes of Cromwell in Ireland, he voluntarily expressed his interest in New England, by offering its inhabitants estates and a settlement in the beautiful island which his arms had subdued. His offers were declined; for the emigrants already loved their land of refuge, where their own courage and toils had established "the liberties of the Gospel in its purity." Our government, they said among themselves, "is the happiest and wisest this day in the world."

¹⁶⁵¹⁻ The war between England and Holland hardly dis-
¹⁶⁵⁴⁻ turbed the tranquillity of the colonies. The western settlements, which would have suffered extreme misery from a combined attack of the Indians and the Dutch, were earnest for attempting to reduce New Amsterdam; but Massachusetts could deliberate more coolly, and its elders wisely answered, that the wars of Europe ought not to destroy the happiness of America; that "it was safest for the colonies to forbear the use of the sword, but to be in a posture of defence." The nature of the reserved powers of the members of the union now became the subject of animated discussion; but a peaceful intercourse with Manhattan continued.(2)

¹⁶⁵⁴⁻ The European republics had composed their strife, before the fleet, which was designed to take possession of the settlements on the Hudson, reached the shores of America. It was a season of peace between England and France; and yet the English forces, turning to the north, made the easy conquest of Acadia—an acquisition

(1) *Hutchinson*, i. App. viii.

(2) *Hazard*, ii. has all the documents on this subject.

which no remonstrances or complaints could induce the Protector to restore.(1)

The possession was perhaps considered a benefit to New England, of which the inhabitants enjoyed the confidence of Cromwell throughout all the period of his success. They were fully satisfied that the battles which he had fought were the battles of the Lord; and "the spirits of the brethren were carried forth in faithful and affectionate prayers in his behalf;" but, at the same time, they charged him to rule his spirit, rather than to storm cities. Cromwell, in return, was moved by the sincerity of their regard; he seems to have found relief in pouring out his heart to them freely; he confessed that the battle of Dunbar, where "some, who were godly," were fought into their graves, was, of all the acts of his life, that on which his mind had the least quiet; and he declared himself "truly ready to serve the brethren and the churches" in America. The declaration was sincere. The people of New England were ever sure that Cromwell would listen to their requests, and would take an interest in all the little details of their condition. He left them independence, and favoured their trade. When his arms had made the con-

quest of Jamaica, he offered them the island, with 1655. the promise of all the wealth which the tropical climate pours prodigally into the lap of industry; and though they frequently thwarted his views, they never forfeited his regard. English history must judge of Cromwell by his influence on the institutions of England; the American colonies remember the years of his power as the period when British sovereignty was for them free from rapacity, intolerance, and oppression. He may be called the benefactor of the English in America; for he left them to enjoy unshackled the liberal benevolence of Providence, the freedom of industry, of commerce, of religion, and of government.(2)

Yet the Puritans of New England perceived that their security rested on the personal character of the Protector, and that other revolutions were ripening; they, therefore, never allowed their vigilance to be lulled. The influence of the elders was confirmed; the civil and the religious institutions had become intimately connected. While the

(1) Haliburton, i. 61.

(2) Hutchinson's Coll. 233 and ff. Hutch. Hist. App. No. ix. x. Mass. State Papers, Case 1. File vii. No. 34; File x. No. 77.

spirit of independence was thus assured, the evils ensued that are in some measure inseparable from a religious establishment; a distinct interest grew up under the system; the severity of the laws was sharpened against infidelity on the one hand, and sectarianism on the other; nor can it be denied, nor should it be concealed, that the elders, especially Wilson and Norton, instigated and sustained the government in its worst cruelties.

Where the mind is left free, religion can never have dangerous enemies,—for no class has then a motive to attempt its subversion; while the interests of society demand a foundation for the principles of justice and benevolence. Atheism is a folly of the metaphysician, not the folly of human nature. Of savage life, Roger Williams declared, that he had never found one native American who denied the existence of a God; in civilized life, when it was said of the court of Frederic, that the place of king's atheist was vacant, the gibe was felt as the most biting sarcasm. Infidelity gains the victory when it wrestles with hypocrisy or with superstition, but never when its antagonist is reason. Men revolt against the oppressions of superstition, the exactions of ecclesiastical tyranny, but never against religion itself. When an ecclesiastical establishment, under the heaviest penalties, requires universal conformity, the diversity of human opinion necessarily involves the consequence, that some consciences are oppressed and wronged. In such cases, if the wrong is excessive, intellectual servitude is followed by consequences analogous to those which ensue on the civil slavery of the people; the mind, as it bursts its fetters, is clouded by a sense of injury; the judgment is confused; and in the zeal to resist a tyranny, passion attempts to sweep away every form of religion. Bigotry commits the correlative error, when it endeavours to control opinion by positive statutes,—to substitute the terrors of law for convincing argument. It is a crime to resist truth under pretence of resisting injurious power; it is equally a crime to enslave the human understanding, under pretence of protecting religion. The reckless mind, rashly hurrying to the warfare against superstition, has often, though by mistake, attacked intelligence itself; but religion, of itself alone, never had an enemy; except, indeed, as there have been theorists, whose harmless ingenuity has denied all distinction between right and wrong, between justice and its

opposite. Positive enactments against irreligion, like positive enactments against fanaticism, provoke the evil which they were designed to prevent. Danger is inviting. If left to himself, he that vilifies the foundations of morals and happiness, does but publish his own unworthiness. A public prosecution is a mantle to cover his shame ; for to suffer for opinion's sake is courageous, and courage is always an honourable quality.

The conscientious austerity of the colonists, invigorated by the love of power, led to a course of legislation which, if it was followed by the melancholy result of bloodshed, was also followed, among the freemen of the New World, by emancipation from bigotry, achieved without any of the excesses of intolerant infidelity. The inefficiency of fanatic laws was made plain by the fearless resistance of a still more stubborn fanaticism.

Saltonstall wrote from Europe that, but for their severities, the people of Massachusetts would have been "the eyes of God's people in England." The consistent 1651. Sir Henry Vane had urged, that "the oppugners of the Congregational way should not, from its own principles and practice, be taught to root it out." "It were better," he added, "not to censure any persons for matters of a religious concernment." (1) The elder Winthrop had, I believe, relented before his death, and professed himself weary of banishing heretics ; the soul of the younger Winthrop was incapable of harbouring a thought of intolerant cruelty ; (2) but the rugged Dudley was not mellowed by old age. "God forbid," said he, "our love for the truth should be grown so cold, that we should tolerate errors.—I die no libertine."—"Better tolerate hypocrites and tares than thorns and briars," affirmed Cotton. "Polypiety," echoed Ward, "is the greatest impiety in the world. To say that men ought to have liberty of conscience, is impious ignorance."—"Religion," said the melancholic Norton, "admits of no eccentric notions." But the people did not entirely respond to these extravagant views, into which the bigotry of personal interest had betrayed the elders, and the love of unity, so favourable to independence, had betrayed the leading men. The public mind was awakened to inquiry ; the topic of the power of the civil magistrate in religious affairs was become the theme of perpetual discussion ; and it needed all

(1) *iii. Mass. Hist. Coll. i. 37.*

(2) *Bishop's N. E. Jugged.*

the force of established authority to sustain the doctrine of persecution. Massachusetts was already in the state of transition: and it was just before expiring, that bigotry, with convulsive energy, exhibited its worst aspect,—just as the waves of the sea are most tumultuous when the wind is subsiding, and the tempest is yielding to a calm.

Anabaptism was to the establishment a dangerous rival. When Clarke, the pure and tolerant Baptist of Rhode Island, one of the happy few who succeed in acquiring an estate of beneficence, and connecting the glory of their name with the liberty and happiness of a commonwealth, began to preach to a small audience in Lynn, he was seized by the civil officers. Being compelled to attend with the congregation, he expressed his aversion by a harmless indecorum, which would yet have been without excuse had his presence been voluntary. He and his companions were tried, and condemned to pay a fine of twenty or thirty pounds; and Holmes, who refused to pay his fine, was whipped unmercifully.

Since a particular form of worship had become a part of the civil establishment, irreligion was now to be punished as a civil offence. The state was a model of Christ's kingdom on earth; treason against the civil government was treason against Christ; and reciprocally, as the gospel had the right paramount, blasphemy, or what a jury should call blasphemy, was the highest offence in the catalogue of crimes. To deny any book of the Old or New Testament to be the written and infallible word of God, was punishable by fine or by stripes, and, in case of obstinacy, by exile or death. Absence from "the ministry of the word" was punished by a fine.

By degrees the spirit of the establishment began to 1653. subvert the fundamental principles of Independency. The liberty of prophesying was refused, except the approbation of four elders, or of a county court, had been obtained. Remonstrance(1) was useless. The union of church and state was fast corrupting both; it mingled base ambition with the former; it gave a false direction to the legislation of the latter. And at last the general court claimed 1658. for itself, for the council, and for any two organic churches, the right of silencing any person who was not as yet ordained. Thus rapidly did human nature

(1) *Felt's Salem*, 188 and 533. *III. Mass. Hist. Coll.* 1. 40.

display its power! The creation of a national, uncompromising church, led the Congregationalists of Massachusetts to the indulgence of the passions which had disgraced their English persecutors; and Laud was justified by the men whom he had wronged.

But if the Baptists were feared, as professing doctrines tending to disorganize society, how much more reason was there to dread such emissaries of the Quakers as appeared in Massachusetts! The first and most noisy advocates of any popular sect are apt to be men of little consideration. They who have the least to risk are most clamorous for novelties; and the early advocates of the Quakers in New England displayed little of the mild philosophy, the statesman-like benevolence of Penn and his disciples; though they possessed the virtue of passive resistance in perfection. Left to themselves, they appeared like a motley tribe of persons, half fanatic, half insane; without consideration, and without definite purposes. Persecution called them forth to show what intensity of will can dwell in the depths of the human heart. They were like those weeds which are unsightly to the eye, and which only when trampled give out precious perfumes.

The rise of "the people called Quakers" was one of the most remarkable results of the Protestant revolution. It was a consequence of the moral warfare against corruption; the aspiration of the human mind after a perfect emancipation from the long reign of bigotry and superstition. It grew up with men who were impatient at the slow progress of the reformation, the tardy advances of intellectual liberty. A better opportunity will offer for explaining its influence on American institutions. It was in the month of July, 1656, that two of its members, 1656. Mary Fisher and Ann Austin, arrived in the road before Boston.⁽¹⁾ There was as yet no statute respecting Quakers; but, on the general law against heresy, their trunks were searched, and their books burnt by the hangman; "though no token could be found on them but of innocence,"⁽²⁾ their persons were examined in search of

(1) I compose the narrative from comparing the Quaker accounts, by Gould, and Sewell, and Besse, full of documents, with those of the colonial historians. There is no essential difference. Every leading work has something on the subject. The apologies of the colonists, especially Norton's book, *The Heart of N. E. Rent*, still exist, and are before me. Compare the life of Mary Dyer, in C. Sedgwick's *Tales and Sketches*.

(2) Sewell, i. 294. Besse, ii. 198—207.

signs of witchcraft; and, after five weeks' close imprisonment, they were thrust out of the jurisdiction. Eight others were, during the year, sent back to England. The rebuke enlarged the ambition of Mary Fisher; she repaired alone to Adrianople, and delivered a message to the Grand Sultan. The Turks thought her crazed, and she passed through their army "without hurt or scoff."

Yet the next year, although a special law now prohibited the introduction of Quakers, Mary Dyer, an Antinomian exile, and Ann Burden, came into the colony; the former was claimed by her husband, and taken to Rhode Island; the latter was sent to England. A woman who had come all the way from London, to warn the magistrates against persecution, was whipped with twenty stripes. Some, who had been banished, came a second time; they were imprisoned, whipped, and once more sent away, under penalty of further punishment, if they returned again. A fine was imposed on such as should entertain any "of the accursed sect;" and a Quaker, after the first conviction, was to lose one ear, after a second another, after the third to have the tongue bored with a red-hot iron. It was but for a very short time that the menace of these enormities found place in the statute-book. The colony was so ashamed of the order for mutilation, that it was soon repealed, and was never printed. But this legislation was fruitful of results. Quakers swarmed where they were feared. They came expressly because they were not welcome; and threats were construed as invitations. A penalty of ten shillings was now imposed on every person for being present at a Quaker meeting, and of five pounds for speaking at such meeting. In the execution of the laws, the pride of consistency involved the magistrates in acts of extreme cruelty.

The government of Massachusetts at length resolved to follow the advice of the commissioners for the united colonies; from which the younger Winthrop alone had dissented. (1) Willing that the Quakers should live in peace in any other part of the wide world, yet desiring to deter them effectually from coming within its jurisdiction, the general court, after much resistance, and by a majority of but a single vote, banished them on pain of death. The object of severity was not to persecute, but to exclude

(1) *Records, in Hazard, ii. Roger Williams, in Knowles, 311. Compare Bishop's N.E. Judged, Hutchinson, i. 164.*

them. "For the security of the flock," said Norton, "we pen up the wolf; but a door is purposely left open whereby he may depart at his pleasure." Vain legislation! and frivolous apology! The soul, by its freedom and immortality, preserves its convictions or its frenzies even amidst the threat of death.

It has been attempted to excuse the atrocity of the law, because the Quakers avowed principles that seemed subversive of social order. Any government might, on the same grounds, find in its unreasonable fears an excuse for its cruelties. The argument justifies the expulsion of the Moors from Spain, of the Huguenots from France; and it forms a complete apology for Laud, who was honest in his bigotry, persecuting the Puritans with the same good faith with which he recorded his dreams. The fears of one class of men are not the measure of the rights of another.

It is said, the Quakers themselves rushed on the sword, and so were suicides. If it were so, the men who held the sword were accessories to the crime.

It is true that some of the Quakers were extravagant and foolish; they cried out from the windows at the magistrates and ministers that passed by, and mocked the civil and religious institutions of the country. They riotously interrupted public worship; and women, forgetting the decorum of their sex, and claiming a divine origin for their absurd caprices, smeared their faces, and even went naked through the streets. Indecency, however, is best punished by slight chastisements. The house of Folly has perpetual succession; yet numerous as is the progeny, each individual of the family is very short-lived, and dies the sooner where its extravagancy is excessive. A fault against manners may not be punished by a crime against nature.

The act itself admits of no defence; the actors can plead no other justification than delusion. Prohibiting the arrival of Quakers was not persecution; and banishment is a term hardly to be used of one who has not acquired a home. When a pauper is sent to his native town he is not called an exile. A ship from abroad, which should enter the harbour of Marseilles against the order of the health-officer, would be sunk by the guns of the fort. The government of Massachusetts applied similar quarantine rules to the morals of the colony, and would as little tolerate what seemed a ruinous heresy, as the French would

tolerate the plague: I do not plead the analogy; the cases are as widely different as this world and the next; I desire only to relate facts with precision. The ship suspected of infection might sail for another port; and the Quaker, if he came once, was sent away; if he came again, was sentenced to death, and then might still quit the jurisdiction on a promise of returning no more. Servetus did but desire leave to continue his journey. The inquisition hearkened to secret whispers for grounds of accusation; the magistrates of Massachusetts left all in peace but the noisy brawlers, and left to them the opportunity of escape. For four centuries Europe had maintained that heresy should be punished by death. In Spain, more persons have been burned for their opinions than Massachusetts then contained inhabitants. Under Charles V., in the Netherlands alone, the number of those who were hanged, beheaded, buried alive, or burned, for religious opinion, was fifty thousand, says father Paul; the whole carnage amounted, says Grotius,(1) to not less than one hundred thousand. America was guilty of the death of four individuals; and they fell victims rather to the contest of will than to the opinion that Quakerism was a capital crime.

Of four persons ordered to depart the jurisdiction 1659. on pain of death, Mary Dyar, a firm disciple of Ann Hutchinson, whose exile she had shared, and Nicholas Davis, obeyed. Marmaduke Stephenson and William Robinson had come on purpose to offer their lives; instead of departing, they went from place to place "to build up their friends in the faith." In October Mary Dyar returned. Thus there were three persons arraigned on the sanguinary law. Robinson pleaded in his defence the special message and command of God. "Blessed be God, who calls me to testify against wicked and unjust men." Stephenson refused to speak till sentence had been pronounced; and then he imprecated a curse on his judges. Mary Dyar exclaimed, "The will of the Lord be done," and returned to the prison "full of joy." From the gaol she wrote a remonstrance. "Were ever such laws heard of among a people that profess Christ come in the flesh? Have you no other weapons but such laws to fight against

(1) Sarpi, *Istoria del Concil. Trid.* L. v. Opere, v. ii. p. 33. E con tutto, che il numero ne' Paesi Bassi tra impiccati, decapitati, sepolti vivi, ed abbruciati aggiugnese a cinquantamila. *Annales*, p. 12, ed. 1678. *Carnificata hominum non minus centum millia.*

spiritual wickedness withal, as you call it? Woe is me for you. Ye are disobedient and deceived. Let my request be as Esther's to Ahasuerus. You will not repent that you were kept from shedding blood, though it was by a woman." The three were led forth to execution. "I die for Christ," said Robinson: "We suffer not as evil-doers, but for conscience sake," were the last words of his companion. Mary Dyar was reprieved; yet not till the rope had been fastened round her neck, and she had prepared herself for death. Transported with enthusiasm, she exclaimed "Let me suffer as my brethren, unless you will annul your wicked law." She was conveyed out of the colony; but soon returning, she also was hanged on Boston common, a willing martyr to liberty of conscience. "We desired their lives absent, rather than their deaths present," was the miserable apology for these proceedings.

These cruelties excited great discontent. Yet William Leddra was put upon trial for the same causes. While the trial was proceeding, Wenlock Christison, already banished on pain of death, entered the court, and struck dismay into the judges, who found their severities ineffectual. Leddra was desired to accept his life, on condition of promising to come no more within the jurisdiction. He refused, and was hanged.

Christison met his persecutors with undaunted courage. By what law, he demanded, will ye put me to death?—We have a law, it was answered, and by it you are to die.—So said the Jews to Christ. But who empowered you to make that law?—We have a patent, and may make our own laws.—Can you make laws repugnant to those of England?—No.—Then you are gone beyond your bounds. Your heart is as rotten towards the king as towards God. I demand to be tried by the laws of England, and there is no law there to hang Quakers.—The English banish Jesuits on pain of death,⁽¹⁾ and with equal justice we may banish Quakers.—The jury returned a verdict of guilty. Wenlock replied, "I deny all guilt; my conscience is clear before God." The magistrates were divided in pronouncing sentence; the vote was put a second time, and there appeared a majority for the doom of death.

(1) Banishment on pain of death used to be very common in English legislation. By the Act of Elizabeth, 35, c. 1. every dissenter was conditionally so banished. In January, 1652, John Lilburne was banished on pain of death by the parliament.

"What do you gain," cried Christison, "by taking Quakers' lives? For the last man that ye put to death, here are five come in his room. If ye have power to take my life, God can raise up ten of his servants in my stead."

The voice of the people had always been averse to bloodshed; the magistrates, infatuated for a season, became convinced of their error; Wenlock, with twenty-seven of his friends, was discharged from prison; and the doctrine of toleration, with the pledges of peace, hovered like the dove at the window of the ark, waiting to be received into its rightful refuge.

The victims of intolerance met death bravely; they would be entitled to perpetual honour, were it not that their own extravagances occasioned the foul enactment, to repeal which they laid down their lives. Far from introducing religious charity, their conduct irritated the government to pass the laws of which they were the victims. But for them the country had been guiltless of blood; and causes were already in action which were fast substituting the firmness and the charity of intelligence for the severity of religious bigotry. It was ever the custom, and it soon became the law, in Puritan New England, that "none of the brethren shall suffer so much barbarism in their families, as not to teach their children and apprentices so much learning as may enable them perfectly to read the English tongue." "To the end that learning may not be buried in the graves of our forefathers," it was ordered in all the Puritan colonies, 1647. "that every township, after the Lord hath increased them to the number of fifty householders, shall appoint one to teach all children to write and read; and where any town shall increase to the number of one hundred families, they shall set up a grammar school; the masters thereof being able to instruct youth so far as they may be fitted for the university."⁽¹⁾ The press began its work in 1639. "When New England was poor, and they were but few in number, there was a spirit to encourage learning." Six years after the arrival of Winthrop, the 1636. general court voted a sum, equal to a year's rate of the whole colony, towards the erection of a college. In 1638, John Harvard, who arrived in the Bay only to fall a victim to the most wasting disease of the climate,

(1) Col. Laws, 74, 186. So, too, in Connecticut MS. Laws, and in the New Haven Code.

desiring to connect himself imperishably with the happiness of his adopted country, bequeathed to the college one half of his estate and all his library. The infant institution was a favourite; Connecticut, and Plymouth, and the towns in the East,(1) often contributed little offerings to promote its success; the gift of the rent of a ferry was a proof of the care of the state; and once, at least, 1645. every family in each of the colonies gave to the college at Cambridge twelve pence, or a peck of corn, or its value in unadulterated wampumpeag;(2) while the magistrates and wealthier men were profuse in their liberality. The college, in return, exerted a powerful influence in forming the early character of the country. In this, at least, it can never have a rival. In these measures, especially in the laws establishing common schools, lies the secret of the success and character of New England. Every child, as it was born into the world, was lifted from the earth by the genius of the country, and, in the statutes of the land, received, as its birthright, a pledge of the public care for its morals and its mind.

There are some who love to enumerate the singularities of the early Puritans. They were opposed to wigs; they could preach against veils; they denounced long hair; they disliked the cross in the banner, as much as the people of Paris disliked the lilies of the Bourbons, and for analogous reasons. They would not allow Christmas-day to be kept sacred; they called neither months, nor days, nor seasons, nor churches, nor inns, by the names common in England; they revived Scripture names at christenings. The grave Romans legislated on the costume of men, and their senate could even stoop to interfere with the triumphs of the sex to which civic honours are denied; the fathers of New England prohibited frivolous fashions in their own dress; and their austerity, checking extravagance even in woman, frowned on her hoods of silk and her scarfs of tiffany, extended the length of her sleeve to the wrist, and limited its greatest width to half an ell. The Puritans were formal and precise in their manners: singular in the forms of their legislation: rigid in the observance of their principles. Every topic of the day found a place in their extemporaneous prayers, and infused a

(1) Folsom's Saco and Biddeford, 108.

(2) Pierce's Harvard College. Winthrop, ii. 214, 215. Everett's Yale Address, 3.

stirring interest into their long and frequent sermons. The courts of Massachusetts respected in practice the code of Moses; the island of Rhode Island enacted for a year or two a Jewish masquerade; in New Haven, the members of the constituent committee were called the seven pillars, hewn out for the house of wisdom. But these are only the outward forms, which gave to the new sect its marked exterior. If from the outside peculiarities, which so easily excite the sneer of the superficial observer, we look to the genius of the sect itself, Puritanism was Religion struggling for the People. "Its absurdities," says its enemy, "were the shelter for the noble principles of liberty." It was its office to engraft the new institutions of popular energy upon the old European system of a feudal aristocracy and popular servitude; the good was permanent; the outward emblems which were the signs of the party, were of transient duration; like the clay and ligaments with which the graft is held in its place, and which are brushed away as soon as the scion is firmly united.

The principles of Puritanism proclaimed the civil magistrate subordinate to the authority of religion; and its haughtiness in this respect has been compared to "the infatuated arrogance" of a Roman pontiff. In the firmness with which the principle was asserted, the Puritans did not yield to the Catholics; and, if the will of God is the criterion of justice, both were, in one sense, in the right. The question arises, Who shall be the interpreter of that will? In the Roman Catholic church, the office was claimed by the infallible pontiff, who, as the self-constituted guardian of the oppressed, insisted on the power of dethroning kings, repealing laws, and subverting dynasties. The principle thus asserted, though often productive of good, could not but become subservient to the temporal ambition of the clergy. Puritanism conceded no such power to its spiritual guides; the church existed independent of its pastor, who owed his office to its free choice; the will of the majority was its law; and each one of the brethren possessed equal rights with the elders. The right, exercised by each congregation, of electing its own ministers, was in itself a moral revolution: religion was now with the people, not over the people. Puritanism exalted the laity. Every individual who had experienced *the raptures of devotion*, every believer, who, in his

moments of ecstasy, had felt the assurance of the favour of God, was in his own eyes a consecrated person. For him the wonderful counsels of the Almighty had chosen a Saviour; for him the laws of nature had been suspended and controlled, the heavens had opened, earth had quaked, the sun had veiled his face, and Christ had died and had risen again; for him prophets and apostles had revealed to the world the oracles and the will of God. Viewing himself as an object of the divine favour, and in this connection disclaiming all merit, he prostrated himself in the dust before heaven; looking out upon mankind, how could he but respect himself, whom God had chosen and redeemed? He cherished hope; he possessed faith: as he walked the earth, his heart was in the skies. Angels hovered round his path, charged to minister to his soul; spirits of darkness leagued together to tempt him from his allegiance. His burning piety could use no liturgy; his penitence could reveal his transgressions to no confessor. He knew no superior in sanctity. He could as little become the slave of a priestcraft as of a despot. He was himself a judge of the orthodoxy of the elders; and if he feared the invisible powers of the air, of darkness, and of hell, he feared nothing on earth. Puritanism constituted, not the Christian clergy, but the Christian people, the interpreter of the divine will. The voice of the majority was the voice of God; and the issue of Puritanism was therefore popular sovereignty.

The effects of Puritanism display its true character still more distinctly. Ecclesiastical tyranny is of all kinds the worst; its fruits are cowardice, idleness, ignorance, and poverty; Puritanism was a life-giving spirit; activity, thrift, intelligence, followed in its train; and as for courage, a coward and a Puritan never went together. "He that prays best, and preaches best, will fight best;" such was the judgment of Cromwell, the greatest soldier of his age.

It was in self-defence that Puritanism in America began those transient persecutions of which the excesses shall find in me no apologist; and which yet were no more than a train of mists, hovering, of an autumn morning, over the channel of a fine river, that diffused freshness and fertility wherever it wound. The people did not attempt to convert *others*, but to protect themselves; they never punished *opinion* as such; they never attempted to torture or terrify

men into orthodoxy. The history of religious persecution in New England is simply this ;—the Puritans established a government in America such as the laws of natural justice warranted, and such as the statutes and common law of England did not warrant ; and that was done by men who still acknowledged the duty of a limited allegiance to the parent state. The Episcopalians had declared themselves the enemy of the party, and waged against it a war of extermination ; Puritanism excluded them from its asylum. Roger Williams, the apostle of "soul-liberty," weakened the cause of civil independence by impairing its unity ; and he was expelled, even though Massachusetts always bore good testimony to his spotless virtues. (1) Wheelwright and his friends, in their zeal for strict Calvinism, forgot their duty as citizens, and they also were exiled. The Anabaptist, who could not be relied upon as an ally, was guarded as a foe. The Quakers denounced the worship of New England as an abomination, and its government as treason ; and therefore they were excluded on pain of death. The fanatic for Calvinism was a fanatic for liberty ; and he defended his creed ; for, in the moral warfare for freedom, his creed was a part of his army, and his most faithful ally in the battle.

For "New England was a religious plantation, not a plantation for trade. The profession of the purity of doctrine, worship, and discipline, was written on her forehead." "We all," says the confederacy in the oldest of American written constitutions, "came into these parts of America to enjoy the liberties of the gospel in purity and peace." "He that made religion as twelve, and the world as thirteen, had not the spirit of a true New England man." Religion was the object of the emigrants ; it was also their consolation. With this the wounds of the outcast were healed, and the tears of exile sweetened. (2) "New England was the colony of conscience." (3)

Of all contemporary sects, the Puritans were the most free from credulity ; and, in their zeal for reform, pushed their regulations to what some would consider a sceptical extreme. So many superstitions had been bundled up with every venerable institution of Europe, that ages have not yet dislodged them all. The Puritans at once eman-

(1) Backus, i. 155. Winthrop, ii. 193.

(2) Norton's Heart, &c. 59. Norton's Choice Sermons, 15. Higginson's Cause of God, 11. Articles of Confederacy.

(3) John Q. Adams.

cipated themselves from a crowd of observances. They established a worship purely spiritual. To them the elements remained but wine and bread; they invoked no saints; they raised no altar; they adored no crucifix; they kissed no book; they asked no absolution; they paid no tithes; they saw in the priest nothing more than a man; ordination was no more than an approbation of the officer, which might be expressed by the brethren, as well as by other ministers; (1) the church, as a place of worship, was to them but a meeting-house; they dug no graves in consecrated earth; unlike their posterity, they married without a minister, and buried the dead without a prayer. (2) Witchcraft had not been made the subject of sceptical consideration; and in the years in which Scotland sacrificed hecatombs to the delusion, there were three victims in New England. Dark crimes, that seemed without a motive, may have been pursued under that name; I find one record of a trial for witchcraft, where the prisoner was proved a murderess. (3)

On every subject but religion, the mildness of Puritan legislation corresponded to the popular character of Puritan doctrines. Hardly a nation of Europe has as yet made its criminal law so humane as that of early New England. A crowd of offences was at one sweep brushed from the catalogue of capital crimes. The idea was never received, that the forfeiture of life may be demanded for the protection of property; the punishment for theft, for burglary, and highway robbery, was far more mild than the penalties imposed even by modern American legislation. Of divorce I have found no example; yet a clause in one of the statutes recognizes the possibility of such an event. Divorce from bed and board, the separate maintenance without the dissolution of the marriage contract—an anomaly in Protestant legislation, that punishes the innocent more than the guilty,—was utterly abhorrent from their principles. The care for posterity was everywhere visible. Since the sanctity of the marriage-bed is the safeguard of families, and can alone interest the father in the welfare and instruction of his offspring, its purity was protected by the penalty of death; a penalty which was inexorably enforced against the guilty wife and her paramour. (4) If in this respect the laws were more severe, in

(1) Trumbull's Conn. i. 283.

(2) Shepherd's Clear Sunshine, 36.

(3) Records, ii. 54, 55.

(4) Winthrop, ii. 157—159.

another they were more lenient, than modern manners approve. The girl whom youth and affection betrayed into weakness, was censured, pitied, and forgiven; the law compelled the seducer of innocence to marry the person who had imposed every obligation by the concession of every right. The law implies an extremely pure community; in no other would it find a place in the statute-book; in no other would public opinion tolerate the rule. Yet it need not have surprised the countrymen of Raleigh, or the subjects of the grandchildren of Clarendon.(1)

The benevolence of the early Puritans appears from other examples. Their thoughts were always fixed on posterity. Domestic discipline was highly valued; but if the law was severe against the undutiful child, it was also severe against a faithless parent. The slave-trade was forbidden under penalty of death. The earliest laws, till 1654, did not permit any man's person to be kept in prison for debt, except when there was an appearance of some estate which the debtor would not produce.(2) Even the brute creation was not forgotten; and cruelty towards animals was a civil offence. The sympathies of the colonists were wide; a regard for Protestant Germany is as old as emigration; and, during the thirty years' war, the whole people of New England held fasts and offered prayers for the success of their Saxon brethren.

The first years of the residence of Puritans in America were years of great hardship and affliction; it is an error to suppose that this short season of distress was not promptly followed by abundance and happiness. The people were full of affections; and the objects of love were around them. They struck root in the soil immediately. They enjoyed religion. They were, from the first, industrious, and enterprising, and frugal; and affluence followed of course. When persecution ceased in England, there were already in New England "thousands who would not change their place for any other in the world;" and they were tempted in vain with invitations to the Bahama Isles, to Ireland, to Jamaica, to Trinidad. The purity of morals completes the picture of colonial felicity. "As Ireland will not brook venomous beasts, so will not that land vile livers." One might dwell there "from year to year, and not see a drunkard, or hear an oath, or meet a beggar."(3)

(1) *Pepys' Diary*, i. 81.

(2) *Col. Laws*, 48.

(3) *New England's First Fruits*, printed 1643, p. 23, 26.

The consequence was universal health—one of the chief elements of public happiness. The average duration of life in New England, compared with Europe, was doubled; and the human race was so vigorous, that of all who were born into the world, more than two in ten, full four in nineteen, attained the age of seventy. Of those who lived beyond ninety, the proportion, as compared with European tables of longevity, was still more remarkable.

I have dwelt the longer on the character of the early Puritans of New England, for they are the parents of one-third the whole white population of the United States. Within the first fifteen years,—and there was never afterwards any considerable increase from England,—we have seen that there came over twenty-one thousand two hundred persons, or four thousand families. Their descendants are now not far from four millions. Each family has multiplied on the average to one thousand souls. To New York and Ohio, where they constitute half the population, they have carried the Puritan system of free schools; and their example is spreading it through the civilized world.

Historians have loved to eulogize the manners and virtues, the glory, and the benefits of chivalry. Puritanism accomplished for mankind far more. If it had the sectarian crime of intolerance, chivalry had the vices of dissoluteness. The knights were brave from gallantry of spirit; the Puritans from the fear of God. The knights were proud of loyalty; the Puritans of liberty. The knights did homage to monarchs, in whose smile they beheld honour, whose rebuke was the wound of disgrace; the Puritans, disdaining ceremony, would not bow at the name of Jesus, nor bend the knee to the King of Kings. Chivalry delighted in outward show, favoured pleasure, multiplied amusements, and degraded the human race by an exclusive respect for the privileged classes; Puritanism bridled the passions, commanded the virtues of self-denial, and rescued the name of man from dishonour. The former valued courtesy; the latter, justice. The former adorned society by graceful refinements; the latter founded national grandeur on universal education. The institutions of chivalry were subverted by the gradually increasing weight, and knowledge, and opulence of the industrious classes; the Puritans, rallying upon those classes, planted in their hearts the undying principles of democratic liberty.

The golden age of Puritanism was passing away. Time was silently softening its asperities, and the revolutions of

1660. England prepared an era in its fortunes. Massachusetts

never acknowledged Richard Cromwell; it read clearly in the aspect of parties the impending restoration. The protector had left the benefits of self-government and the freedom of commerce to New England and to Virginia; and Maryland, by the act of her inhabitants, was just beginning to share in the same advantages. Would the dynasty of the Stuarts deal benevolently with the colonies? Would it imitate the magnanimity of Cromwell, and suffer the staple of the south still to seek its market freely throughout the world? Could the returning monarch forgive the friends of the Puritans in England? Would he show favour to the institutions that the outcasts had reared beyond the Atlantic?

CHAPTER XI.

THE RESTORATION OF THE STUARTS.

The principles that should prevail in the administration of the American colonies, always formed a dividing question between the political parties in England. The

1660. restoration of the legitimate dynasty was attended by a corresponding change in colonial policy.

The revolution, which was now come to its end, had been in its origin a democratic revolution, and had apparently succeeded in none of its ultimate purposes. In the gradual progress of civilization, the power of the feudal aristocracy had been broken by the increased authority of the monarch; and the people, now beginning to claim the lead in the progress of humanity, prepared to contend for equality against privilege, as well as for freedom against prerogative. The contest failed for a season, because too much was at once attempted. Immediate emancipation from the decaying institutions of the past was impossible; hereditary inequalities were themselves endeared to the nation, from a love for the beneficent institutions with which close union had identified them; the mass of the people was still buried in the inactivity of listless ignorance; even for the strongest minds, public experience had not yet generated the principles by which a recon-

struction of the government on a popular basis could have been safely undertaken; and thus the democratic revolution in England was a failure, alike from the events and passions of the fierce struggle which rendered moderation impossible, and from the misfortune of the age, which had not as yet acquired the political knowledge that time alone could gather for the use of later generations.

Charles I., conspiring against the national constitution, which he, as the most favoured among the natives of 1629- England, was the most solemnly bound to protect, 1640. had resolved to govern without the aid of a parliament. To convene a parliament was, therefore, in itself an acknowledgment of defeat. The House of Commons, which assembled in April, 1640, was filled with men not less loyal to the monarch than faithful to the people; yet the king, who had neither the resignation of wise resolution, nor yet the daring of despair, perpetually vacillating between the desire of destroying English liberty, and a timid respect for its forms, disregarded the wishes of his more prudent friends, and, under the influence of capricious passion, suddenly dissolved a parliament more favourable to his interests than any which he could again hope from the excitement of the times. The friends of the popular party were elated at the dissolution. "This parliament could have remedied the confusion," said the royalist Hyde, afterwards Earl of Clarendon, to St. John. The countenance of the sombre republican, usually clouded with gloom, beamed with cheerfulness as he replied, "All is well; things must be worse before they can be better; this parliament could never have done what is necessary to be done." (1)

The exercise of absolute power was become more difficult than ever. The haughty Strafford had advised violent counsels. There were those who refused to take the oath never to consent to alterations in the Church of England. "Send for the chief leaders," wrote Strafford, (2) "and lay them by the heels; no other satisfaction is to be thought of." But Strafford was not without his enemies among the royalists. During the suspension of parliament, two parties in the cabinet had disputed with each other the administration and the emoluments of despotism. The power of the ministers and the council of state was envied

(1) Clarendon, i. 140.

(2) Strafford's Letters, ii. 409. April 10, 1640.

by the ambition of the queen and the greedy selfishness of the courtiers; and the arrogant Strafford and the unbending Laud had as bitter rivals in the palace as they had enemies in the nation. There was no unity among the friends of absolute power.

The expedient of a council of peers, convened at York, could not satisfy a people that venerated representative government as the most valuable bequest of its ancestors; and a few weeks made it evident that concession was necessary. The councils of Charles were divided by hesitancy, rivalries, and the want of plan; while the popular leaders were full of energy and union, and were animated by what seemed a distinct purpose, the desire of limiting the royal authority. The summons of a new parliament was now, on the part of the monarch, a surrender at discretion. But, by the English constitution, the royal prerogative was in some cases the bulwark of popular liberty; the subversion of the royal authority made a way for the despotism of parliament.

The Long Parliament was not originally homogeneous. The usurpations of the monarch threatened the privileges of the nobility not less than the liberties of the people. The movement in the public mind, though it derived its vigour as well as its origin from the rising influence of the Puritans, was not directed towards vindicating power for the people, but only aimed at raising an impassable barrier against the encroachments of royalty. The object met with favour from a majority of the peerage, and from royalists among the commons; and the past arbitrary measures of the court found opponents in Hyde, the inflexible Tory and faithful counsellor of the Stuarts; in the more scrupulous Falkland, who hated falsehood and intrigue, and whose imagination inclined him to the popular side, till he began to dread innovations from its leaders more than from the ambition of the king; and even in Capel, afterwards one of the bravest of the Cavaliers, and a martyr on the scaffold for his obstinate fidelity. The highest authority in England began to belong to the majority in parliament; no republican party as yet existed; the first division ensued between the ultra royalists and the vast undivided party of the friends of constitutional monarchy; and though the house was in a great measure filled with members of the aristocracy, the moderate royalists were united with the friends of the people; and, on

the choice of speaker, an immense majority appeared in favour of the constitution.

The sagacity of the Earl of Strafford anticipated danger, and he desired to remain in Ireland. "As I am king of England," said Charles,⁽¹⁾ "the parliament shall not touch one hair of your head;" and the reiterated urgency of the king compelled his attendance. His arraignment, within eight days of the commencement of the session, marks the resolute spirit of the commons; his attainder was the sign of their ascendancy. "On the honour of a king,"^{1641.} wrote⁽²⁾ Charles to the prisoner, "you shall not be harmed in life, fortune, or honour;" and the fourth day after the passage of the bill of attainder, as if to reveal his weakness, the king could send his adhesion to the commons, adding, "If Strafford must die, it were charity to reprieve him till Saturday."⁽³⁾ Men dreaded the service of a sovereign whose love was so worthless, and whose prerogative was so weak; safety was found on the side of the people; and the parliament was left without control to its work of reform. Its earliest acts were worthy of all praise. The liberties of the people were recovered and strengthened by appropriate safeguards; the arbitrary courts of High Commission, and the court of Wards, were broken up; the Star Chamber, doubly hated by the aristocracy, as "ever a great eclipse to the whole nobility,"⁽⁴⁾ was with one voice abolished; the administration of justice was rescued from the paramount influence of the crown; and taxation, except by consent, was forbidden. The principle of the writ of habeas corpus was introduced; and the kingdom of England was lifted out of the bondage of feudalism by a series of reforms, which were afterwards renewed, and which, when successfully embodied among the statutes, the commentator on English law esteemed above Magna Charta itself.⁽⁵⁾ These measures were national, were adopted almost without opposition, and received the nearly unanimous assent of the nation. They were truly English measures, directed in part against the abuses introduced at the Norman conquest, in part against the encroachments of the sovereign. They wiped away the traces that England had been governed as a conquered country; they were in harmony with the intelligence and

(1) Whitelocke, 36.

(2) Strafford's Letters, ii. 416.

(3) Burnet, i. 43. Compare Lingard's note, x. c. ii. 108, 109.

(4) Lord Andover, in Macauley, iii. 3. Rushworth, iv. 264.

(5) Blackstone, b. iv. c. xxxiii. 437.

the pride, the prejudices and the wants of England. Public opinion was the ally of the parliament.

But an act declaring that the parliament should neither be prorogued nor dissolved, unless with its own consent, had also been proposed, and urged with pertinacity till it received the royal concurrence. Parliament, in its turn, subverted the constitution, by establishing its own paramount authority, and making itself virtually irresponsible to its constituents ; it was evident a parliamentary despotism would ensue. The English government was substantially changed, in a manner injurious to the power of the executive, and still more dangerous to the freedom of the people. The king, in so far as he opposed the measure, was the friend of popular liberty ; the passage of the act placed the people of England, not less than the king, at the mercy of the parliament. The methods of tyranny are always essentially the same ; the freedom of the press was subjected to parliamentary censors. The usurpation foreboded the subversion of the throne, and the subjection of the people. The liberators of England were become its tyrants ; the rights of the nation had been asserted only to be sequestered for their use.

The spirit of loyalty was still powerful in the commons ; as the demands of the commons advanced, stormy debates and a close division ensued. Falkland, and Capel, and Hyde, now acted with the court. The remonstrance on the state of the kingdom, an uncompromising manifesto against the arbitrary measures of Charles, was democratic in its tendency ; because it proposed no specific reform, but was rather a general and exciting appeal to popular opinion. The English mind was already as restless as the waves of the ocean by which the island is environed ; the remonstrance was designed to increase that restlessness ; in a house of more than five hundred members, it was adopted by the meagre majority of eleven. " Had it not been carried," said Cromwell to Falkland, " I should have sold all I possess, and left the kingdom ! many honest men were of the same resolution." From the contest for " English liberties," men advanced to the discussion of natural rights ; with the expansion of their views, their purposes ceased to be definite ; and already reform was changing into a revolution. They were prepared to strip the church of its power, and royalty of its prescriptive sanctity ; and it was observable, that religious faith was on

the side of innovation, while incredulity abounded among the supporters of the divine right.

The policy of the king preserved its character of variable-ness. He had yielded where he should have been firm ; and he now invited a revolution by the violence of his counsels. Moderation and sincerity would have restored

his influence. But when, attended by armed men, 1642. he repaired in person to the House of Commons, with the intent of seizing six of the leaders of the patriot party, whose execution was to soothe his fears, and tranquillize his hatred, the extreme procedure, so bloody in its purpose, and so illegal in its course, could only rouse the nation to anger against its sovereign, justify for the time every diminution of his prerogative, and, by inspiring settled distrust, animate the leaders of the popular party to a gloomy inflexibility. There was no room to hope for peace. The monarch was faithless, and the people knew no remedy. A change of dynasty was not then proposed ; and England languished of a disease for which no cure had been discovered. It was evident that force must decide the struggle. The parliament demanded the control of the national militia with the possession of the fortified towns. But would the Cavaliers consent to surrender all military power to plebeian statesmen ? Would the nobility endure that men should exercise dominion over the king, whose predecessors their ancestors had hardly been permitted to serve ? To Charles, who had had neither firmness to maintain his just authority, nor sincerity to effect a safe reconciliation, no alternative remained, but resistance or the surrender of all power ; and, unfurling the royal standard, he began a civil war.

The contest was between a permanent parliament and an arbitrary king. The people had no mode of intervention except by serving in the armies ; they could not come forward as mediators or as masters. The parliament was become a body, of which the duration depended on its own will ; unchecked by a supreme executive, or by an independent co-ordinate branch of legislation ; and, therefore, of necessity, a multitudinous despot, unbalanced and irresponsible ; levying taxes, enlisting soldiers, commanding the navy and the army, enacting laws, and changing at its will the forms of the English constitution. The issue was certain. Every representative body is swayed by the interests of its constituents, the interests of its own assembly, and the personal interests of its respective

members ; and never was the successive predominance of each of these sets of motives more clear than in the Long Parliament. Its first acts were mainly for its constituents, whose rights it vindicated, and whose liberties it increased ; its corporate ambition next prevailed, and it set itself against the throne and the peerage, both of which it was hurried forward to subvert ; individual selfishness at last had its triumph, and there were not wanting men who sought lucrative jobs, and grasped at disproportioned emoluments. Nothing could check the progress of degeneracy and corruption ; the example, the ability, and the conscientious purity of Henry Vane were unavailing. Had the life of Hampden been spared, he could not have changed the course of events, for he could not have changed the laws of nature, and the principles of human action.

The majority in parliament was become the despot^{1644.} of England ; and after one hundred and eighteen royalist members, obeying the summons of the king, had repaired to Oxford, the cause of royalty was powerless in the legislature. The party of the Church of England was prostrate ; but religious and political parties were identified ; and the new division conformed itself to the rising religious sects. Now that the friends of the church had withdrawn, the commons were at once divided into two imposing parties—the Presbyterians and the Independents ; the friends of a political revolution which should yet establish a nobility and a limited monarchy ; and the friends of an entire revolution on the principle of equality.

The majority was with the Presbyterians, who were elated with the sure hope of a triumph. They represented a powerful portion of the aristocracy of England ; they had, besides a majority in the Commons, the exclusive possession of the House of Lords ; they held the command of the army ; they had numerous and active adherents among the clergy ; the English people favoured them ; Scotland, which had been so efficient in all that had thus far been done, was entirely devoted to their interests ; and they hoped for a compromise with their sovereign. They envied the success of tyranny more than they abhorred its principles : monarchy, with Presbyterianism as the religion of state, was their purpose ; and they were at all times prepared to make peace with the king, if he would but consent to that revolution in the church which would secure their political ascendancy.

And what counterpoise could be offered by the Independents? How could they hope for superior influence, when it could be gained only by rising above the commons, the peers, the commanders of the army, all Scotland, and the mass of the English people? They had no omen of success but the tendency of revolutions, the enthusiasm of new opinions, the inclination of the human mind to push principles to their remoter consequences. An amalgamation with the Presbyterians would have implied subjection; power could be gained only by that progress in innovations which would drive the Presbyterians into opposition. The Independents, sharing in the agitation of the public mind, made the new ideas the support of their zeal, and the basis of their party. They gradually became the advocates of religious liberty and the power of the people. Their eyes were turned towards democratic institutions; and the glorious vision of emancipating the commons of England from feudal oppression, from intellectual servitude, and from a long aristocracy of superstition, inflamed them with an enthusiasm which would not be rebuked by the inconsistency of their schemes with the opinions, habits, and institutions of the nation.

The Presbyterian nobility, who had struggled for their privileges against royal power, were unwilling that innovation should go so far as to impair their rank or diminish their grandeur; the Independents, as new men, who had their fortunes to make, were prepared not only to subvert the throne, but to contend for equality against privilege. "The Presbyterian Earl of Manchester," said Cromwell, "shall be content with being no more than plain Montague." The men who broke away from the forms of society, and venerated nothing but truth; others who, in the folly of their pride, claimed for their opinions the sanctity and the rights of truth; they who sighed for a more equal diffusion of social benefits; the friends of entire liberty of conscience; the friends of a reform in the law, and a diminution of the profits of the lawyers; the men, like Milton and Sidney, whose imagination delighted in pictures of Roman liberty, of Spartan virtue; the less educated, who indulged in visions of a restoration of that happy Anglo-Saxon system, which had been invented in the woods in days of Anglo-Saxon simplicity; the republicans, the levellers, the fanatics,—all ranged themselves on the side of the new ideas.

The true representative of the better principles of the Independents was Henry Vane; but the acknowledged leader of the party was Oliver Cromwell. Was he sincere? Or was he wholly a hypocrite? It is difficult to disbelieve that his mind was honestly imbued with the extreme principles of Puritan reforms; but the man whose ruling motive is ambition, soon gains the mastery over his own convictions, and values and employs ideas only as instruments to his advancement. Self-love easily dupes conscience; and Cromwell may have always believed himself faithful to the interest of England. All great men are inclined to fatalism; for their success is a mystery to themselves; and it was not entirely with hypocrisy, that Cromwell, to the last, professed himself the servant of Providence, borne along by irresistible necessity.

Had peace never been broken, the Independents would have remained a powerless minority; the civil war gave them a rallying-point in the army. In the season of great public excitement, fanatics crowded to the camp; an ardour for popular liberty mingled with the fervours of religious excitement. Cromwell had early perceived that the honour and valour of the Cavaliers could never be overthrown by ordinary hirelings; he therefore sought to fill the ranks of his army with enthusiasts. His officers were alike ready to preach and pray, and to take the lead in the field of battle. With much hypocrisy, his camp was the scene of much real piety; and long afterwards, when his army was disbanded, its members, who, for the most part, were farmers and the sons of farmers, resumed their places among the industrious classes of society; while the soldiers of the royalists were often found in the ranks of vagabonds and beggars. It was the troops of Cromwell that first, in the open field, broke the ranks of the royal squadrons; and the decisive victory of Marston Moor was won by the iron energy and valour of the godly saints whom he had enlisted.

The final overthrow of the prospects of Charles in 1647. the field, marks the crisis of the struggle for the ascendancy between the Presbyterians and Independents. The former party had its organ in the parliament, the latter in the army, in which the Presbyterian commander had been surprised into a resignation by the self-denying ordinance, and the intrigues of Cromwell. As the duration of the parliament was unlimited, the army refused to

be disbanded; claiming to represent the interests of the people, and actually constituting the only balance to the otherwise unlimited power of the parliament. The army could call the parliament a usurper, and the parliament could arraign the army as a branch of the public service, whose duty was obedience, and not counsel. On the other hand, if the parliament pleaded its office as the grand council of the nation, the army could urge its merits as the active and successful antagonist to royal despotism.

The new crisis was inevitable. The Presbyterians broke forth into menaces against the army. "These men," whispered Cromwell to Ludlow, "will never leave till the army pull them out by the ears."⁽¹⁾ The Presbyterian majority was in a false position; it appeared to possess paramount power, and did not actually possess it. Could they gain the person of the king, and succeed in pacific negotiations, their influence would be renewed by the natural love of order in the minds of the English people. A collision with the Independents was unavoidable; for the Independents could in no event negotiate with the king. In every negotiation a free parliament must have been a condition; and a free parliament would have been their doom. Self-preservation, uniting with ambition and wild enthusiasm, urged them to uncompromising hostility with Charles I. He or they must perish. "If my head or the king's must fall," argued Cromwell, "can I hesitate which to choose?" By an act of violence, the Independents seized on the king, and held him in their special custody. "Now," said the exulting Cromwell, "now that I have the king in my hands, I have the parliament in my pocket."

At length the Presbyterian majority, sustained by the admirable eloquence of Prynne, attempted to dispense with the army, and by a decided vote resolved to make peace with the king. To save its party from an entire defeat, the army interposed, and "purged" the House of Commons. "Hear us," said the excluded members to Colonel Pride, who expelled them. "I cannot spare the time," replied the soldier. "By what right are we arrested?" demanded they of the extravagant Hugh Peters. "By the right of the sword," answered the late envoy from Massachusetts. "You are called," said he, as he

(1) Ludlow, 73.

preached to the decimated parliament, "to lead the people out of Egyptian bondage; this army must root up monarchy, not only here, but in France and other kingdoms round about." (1) Cromwell, the night after the "interruption," reiterated, "I knew nothing of these late proceedings; but, since the work has been done, I am glad of it, and will endeavour to maintain it." (2)

When the House of Commons had thus been eliminated, there remained few beside republicans; and it was resolved to bring the unhappy monarch to trial before a special commission. "Providence and necessity," said Cromwell, affecting indecision, have cast the house upon this deliberation. I shall pray God to bless our counsels." (3) The young and sincere Algernon Sidney opposed, and saw the danger of a counter revolution. "No one will stir," cried Cromwell, impatiently; "I tell you we will cut off his head with the crown on it." (4) Sidney withdrew; and Charles was abandoned to the sanguinary severity of a sect. To sign the death-warrant was a solemn deed, from which some of his judges were ready to shrink; Cromwell concealed the magnitude of the act under an air of buffoonery; the chamber rung with gaiety; he daubed the cheek of one of the judges that sat next him with ink, and, amidst shouts of laughter, compelled another, the wavering Ingoldsby, to sign the paper as a jest. The ambassadors of foreign princes, eager to make purchases when the collections of the unhappy king were sold at auction, presented no remonstrance. Holland alone negotiated. The English people were overawed.

Treason against the state, on the part of its highest officers, is the darkest of human offences. Fidelity to the constitution is due from every citizen; in a monarch, the debt of gratitude is enhanced, for the monarch is the hereditary and special favourite of the fundamental laws. The murderer, even where his victim is eminent for genius and virtue, destroys what time will repair, and, deep as is his guilt, society suffers but transiently from the transgression. But the king who conspires against the liberties of the nation, conspires to subvert the most precious bequest of past ages, the dearest hope of future time; he would destroy genius in its birth, and enterprise in its sources,

(1) C. Walker, *Hist. of Independency*, ii. 50, 51 (published anonymously).
by Theodorus Verax.

(2) Walker, ii. 54.

(3) Ludlow, 105.

(4) See Godwin, ii. 689.

and sacrifice the prolific causes of intelligence and virtue to his avarice or his vanity, his caprices or his ambition ; would rob the nation of its nationality, the people of the prerogatives of man ; would deprive common life of its sweets, by depriving it of its security, and religion of its power to solace, by subjecting it to supervision and control. His crime would not only enslave a present race of men, but forge chains for unborn generations. There can be no fouler deed.

Tried by the standard of his own intentions and his own actions, Charles I., it may be, had little right to complain. Yet when history gives its impartial verdict (1) on the execution, it remembers that, by the laws of England, the meanest individual could claim a trial by his peers ; and that the king was delivered, by a decimated parliament, which had prejudged his case, to a commission composed of his bitter and uncompromising enemies, and erected in defiance of the wishes of the people. His judges were but a military tribunal ; and the judgment, which assumed to be a solemn exercise of justice on the worst of criminals, arraigned by a great nation, and tried by its representatives, was in truth an act of tyranny. His accusers could have rightfully proceeded only as the agents of the popular sovereignty ; and the people disclaimed the deed. An appeal to the people would have reversed the decision. The Churchmen, the Presbyterians, the lawyers, the opulent landholders, the merchants, and the great majority of the English nation, preferred the continuance of a limited monarchy. There could be no republic ; there was no republic. Not sufficient advancement had been made in political knowledge. Milton believed himself a friend of popular liberty ; and yet his scheme of government, which proposed to subject England to the executive power of a self-perpetuating council, was far less favourable to equal freedom and to progress than monarchy itself. Not one of the proposed methods of government was capable of being realized. Lilbourne's was, perhaps, the most consistent, but was equally impracticable.

If the execution of Charles be considered by the rule of utility, its effects will be found to have been entirely bad. A free parliament would have saved the king, and

(1) William Prynne's Protestation, in Walker's *Anarchia Anglicana*, ff. 52-54. So, too, Mayhew of Boston. Mass. Hist. Coll. ii. 35.

reformed church and state; in aiming at the immediate enjoyment of democratic liberty, the statesmen of that day long delayed the actual progress of popular enfranchisements. Nations change their institutions but slowly; to attempt to pass abruptly from feudalism and monarchy to democratic equality, was the thought of enthusiasts, who understood neither the history, the character, nor the condition of the country. It was like laying out into entirely new streets, a city that was already crowded with massive structures, resting on firm foundations. Cromwell alone profited by the death of the king; the deed was his policy, and not the policy of the nation.

The remaining members of the commons were now by their own act constituted the sole legislature and sovereign of England. The peerage was abolished with monarchy; the connection between state and church rent asunder; but there was no republic. Selfish ambition forbade it; the state of society and the distribution and tenure of property forbade it. The commons usurped not only all powers of ordinary legislation, but even the right of remoulding the constitution. They were a sort of collective, self-constituted, perpetual dictatorship. Like Rome under its decemviri, England was enslaved by its legislators; English liberty had become the patrimony and estate of the commons; the forms of government, the courts of justice, peace and war, all executive, all legislative power, rested with them. They were irresponsible, absolute, and apparently never to be dissolved, but at their own pleasure.

But the commons were not sustained by the public opinion of the nation. They were resisted by the royalists and the Catholics, by the Presbyterians and the fanatics, by the honest republicans and the army. In Ireland, the Catholics dreaded the worst cruelties that Protestant bigotry could inflict. Scotland, almost unanimous in its adhesion to Presbyterianism, regarded with horror the rise of democracy, and the triumph of the Independents; the fall of the Stuarts foreboded the overthrow of its independence; it loved liberty, but it loved its nationality also. It feared the sovereignty of an English parliament, and desired the restoration of monarchy as a guarantee against the danger of being treated as a conquered province. In England, the opulent landholders, *who swayed their ignorant dependants, rendered popular*

institutions impossible; and too little intelligence had as yet been diffused through the mass of the people, to make them capable of taking the lead in the progress of civilization. The fruitful schemes of social and civil equality found no support but in the enthusiasm of the few who fostered them; and the heaviest clouds of discontent gathered sullenly round the nation.

The attempt at a counter revolution followed. But the parties by which it was made, though a vast majority of the three nations, were filled with mutual antipathies; the Catholics of Ireland had no faith in the Scottish Presbyterians; and these, in their turn, were full of distrust and hatred of the English Cavaliers. They feared each other as much as they feared the commons. There could, therefore, be no concert of opposition; the insurrections, which, had they been made unitedly, had probably been successful, were not simultaneous. The Independents were united; their strength lay in a small but well-disciplined army; the celerity and military genius of Cromwell insured to them unity of counsels and promptness of action; they conquered their adversaries in detail; and the massacre of Drogheda, the field of Dunbar, and the victory of Worcester, destroyed the present hopes of the friends of monarchy.

The lustre of Cromwell's victories ennobled the crimes of his ambition. When the forces of the insurgents had been beaten down, there remained but two powers in the state, the Long Parliament and the army. To submit to a military despotism was inconsistent with the genius of the people of England; and yet the Long Parliament, now containing but a fraction of its original members, could not be recognized as the rightful sovereign of the country, and possessed only the shadow of executive power. Public confidence rested on Cromwell alone. The few true republicans had no party in the nation; a dissolution of the parliament would have led to anarchy; a reconciliation with Charles II., whose father had just been executed, was impossible; a standing army, it was plausibly argued, required to be balanced by a standing parliament; and the House of Commons, the mother of the Commonwealth, insisted on nursing the institutions which it had established. But the public mind reasoned differently; the virtual power rested with the army; men dreaded confusion, and sighed for peace; and they were

pleased with the retributive justice that the parliament, which had destroyed the English king, should itself be subverted by one of its members.

Thus the attempt at absolute monarchy on the part of Charles I., yielded to a constitutional, true English parliament; the control of parliament passed from the constitutional royalists to the Presbyterians, or representatives of a part of the aristocracy opposed to episcopacy; from the Presbyterians to the Independents, the enthusiasts, real or pretended, for popular liberty; and now that the course of the revolution had outstripped public opinion, a powerful reaction gave the supreme authority to Cromwell. Sovereignty had escaped from the king to the parliament, from the parliament to the commons, from the commons to the army, and from the army to its successful commander. Each revolution was a natural and necessary consequence of its predecessor.

Cromwell was one of those rare men whom even his enemies cannot name without acknowledging his greatness. The farmer of Huntingdon, accustomed only to rural occupations, unnoticed till he was more than forty years old, engaged in no higher plots than how to improve the returns of his farm, and fill his orchard with choice fruit, of a sudden became the best officer in the British army, and the greatest statesman of his time; subverted the English constitution, which had been the work of centuries; held in his own grasp the liberties which the English people had fixed in their affections, and cast the kingdoms into a new mould. Religious peace, such as England till now has never again seen, flourished under his calm mediation; justice found its way even among the remotest highlands of Scotland; commerce filled the English marts with prosperous activity under his powerful protection, his fleets rode triumphant in the West Indies; Nova Scotia submitted to his orders without a struggle; the Dutch begged of him for peace as for a boon; Louis XIV. was humiliated; the pride of Spain was humbled; the Protestants of Piedmont breathed their prayers in security; the glory of the English name was spread throughout the world.

And yet the authority of Cromwell marks but a period of transition. His whole career was an attempt to conciliate a union between his power and permanent public order; *and the attempt was always unavailing, from the inherent*

impossibility growing out of the origin of his power. It was derived from the submission, not from the will of the people; it came by the sword, not from the nation, or from established national usages. Cromwell saw the impracticability of a republic, and offered no excuse for his usurpations, but the right of the strongest to restore tranquillity—the old plea of tyrants and oppressors from the beginning of the world. He had made use of the enthusiasm of liberty for his advancement; he sought to sustain himself by conciliating the most opposite sects. For the republicans he had apologies; “the sons of Zeruiah, the lawyers, and the men of wealth, are too strong for us. If we speak of reform, they cry out that we design to destroy all propriety.” To the witness of the young Quaker against priestcraft and war, he replied, “It is very good; it is truth; if THOU and I were but an hour of a day together, we should be nearer one to the other.” From the field of Dunbar he had charged the Long Parliament “to reform abuses, and not to multiply poor men for the benefit of the rich.” Presently he appealed to the moneyed men and the lawyers; “he alone could save them from the levellers, men more ready to destroy than to reform.” Did the sincere levellers, the true Commonwealth’s men, make their way into his presence, he assured them “he preferred a shepherd’s crook to the office of protector; he would resign all power so soon as God should reveal his definite will;” and then he would invite them to pray. “For,” said he one day to the poet Waller, “I must talk to these people in their own style.” Did the passion for political equality blaze up in the breasts of the yeomanry, who constituted his bravest troops, it was checked by the terrors of a military execution. The Scotch Presbyterians could not be cajoled; he resolved to bow their pride; and did it in the only way in which it could be done, by wielding against their bigotry the great conception of the age, the doctrine of Roger Williams and Descartes, freedom of conscience. “Approbation,” said he, as I believe, with sincerity of conviction, “is an act of expediency, not of necessity. Does a man speak foolishly? suffer him gladly, for ye are wise. Does he speak erroneously? stop such a man’s mouth with sound words, that cannot be gainsaid. Does he speak truly? rejoice in the truth.”(1) To win the royalists, he obtained an act of amnesty, a

(1) Thurloe, i. 161.

pledge of future favour to such of them as would submit. He courted the nation by exciting and gratifying national pride, by able negotiations, by victory and conquest. He sought to enlist in his favour the religious sympathies and enthusiasm of the people, by assuming for England a guardianship over the interest of Protestant Christendom, and burying all the mutual antipathies of sects in one common burning hatred against the court of Rome.

Seldom was there a less scrupulous or more gifted politician than Cromwell. But he was no longer a leader of a party. He had no party. A party cannot exist, except by the force of common principles; it is truth, and truth only, that of itself rallies men together. Cromwell, the oppressor of the Independents, had ceased to respect principles; his object was the advancement of his family; his hold on opinion went no farther than the dread of anarchy, and the strong desire for order. If moderate and disinterested men consented to his power, it was to his power as high constable, engaged to preserve the public peace. He could not confer on his country a fixed form of government, for that required a concert with the national affections, which he was never able to gain. He had just notions of public liberty, and he understood how much the English people are disposed to deify their representatives. Thrice did he attempt to connect his usurpation with the forms of representative government; and always without success. His first parliament, convened by special writ, and mainly composed of the members of the party by which he had been advanced, represented the movement in the English mind which had been the cause of the revolution. It indulged in pious ecstasies, laid claim to the special enjoyment of the presence of Jesus Christ, and spent whole days in exhortations and prayers. But the delirium of mysticism was not incompatible with clear notions of policy; and amidst the hyperboles of Oriental diction, they prepared to overthrow despotic power by using the power a despot had conceded. The objects of this assembly were all democratic: it laboured to effect a most radical reform; to codify English law, by reducing the huge volumes of the common law into a few simple English axioms; to abolish tithes; and to establish an absolute religious freedom, such as the United States now enjoy. This parliament has for ages been the theme of unsparing ridicule. Historians, with little generosity

towards a defeated party, have sided against the levellers; and the misfortune of failure in action has doomed them to censure and contempt. Yet they only demanded what had often been promised, and what, on the immutable principles of freedom, was right. They did but remember the truths which Cromwell had professed, and had forgotten. Cromwell feared their influence; and, finding the republican party too honest to become the dupes of his ambition, he induced such members of the parliament as were his creatures to resign, and scattered the rest with his troops. The public looked on with much indifference. This parliament, from the mode of its convocation, was unpopular; the royalists, the army, and the Presbyterians, alike dreaded its activity. With it expired the last feeble hope of the republican party. The successful soldier, at once and openly, pleading the necessity of the moment, assumed supreme power, as the highest peace-officer in the realm.

Cromwell next attempted an alliance with the property of the country. Affecting contempt for the regicide republicans, who, as his accomplices in crime, could not forego his protection, he prepared to espouse the cause of the lawyers, the clergy, and the moneyed interest. Here, too, he was equally unsuccessful. The moneyed interest ¹⁶⁵⁴ loves dominion for itself; it submits reluctantly to ¹⁶⁵⁵ dominion; and his second parliament, chosen on such principles of reform as rejected the rotten boroughs, and, limiting the elective franchise to men of considerable estate, made the house a fair representation of the wealth of the country, was equally animated by a spirit of stubborn defiance. The parliament first resisted the decisions of the council of Cromwell on the validity of its elections, next vindicated freedom of debate, and, at its third sitting, called in question the basis of Cromwell's authority. "Have we cut down tyranny in one person, and shall the nation be shackled by another?" cried a republican. "Hast thou, like Ahab, killed and taken possession?" exclaimed a royalist. At the opening of this parliament, Cromwell, hoping for a majority, declared "the meeting more precious to him than life." The majority favoured the Presbyterians, and secretly desired the restoration of the Stuarts. The protector dissolved them, saying, "The mighty things done among us are the revolutions of Christ himself; to deny this, is to speak against God." How *highly* the public mind was excited by this abrupt act of

tyranny, is evident from what ensued. The dissolution of the parliament was followed by Penruddoc's insurrection.

A third and final effort could not be adventured till the nation had been propitiated by naval successes, and victories over Spain had excited and gratified the pride of Englishmen and the zeal of Protestants. "The Red Cross," said Cromwell's admirers, "rides on the sea without a rival; our ready sails have made a covenant with every wind; our oaks are as secure on the billows as when they were rooted in the forest: to others the ocean is but a road; to the English it is a dwelling-place."⁽¹⁾ The fleets of the protector returned rich with the spoils of Peru; and there were those who joined in adulation;—

"His conquering head has no more room for bays;
Let the rich ore forthwith be melted down,
And the state fixed by making him a crown;
With ermine clad and purple, let him hold
A royal sceptre, made of Spanish gold."

For a moment the question of a sovereign for England seemed but to relate to the Protector Cromwell and the army, or King Cromwell and the army; and, for the last time, Cromwell hoped, through a parliament, to reconcile his dominion to the English people, and to take a place in the line of English kings. For a season the majority was not unwilling; the scruples of the more honest among the timid he overcame by levity. Our oath, he would say, is not against the three letters that make the word REX. "Royalty is but a feather in a man's cap; let children enjoy their rattle."⁽²⁾ But here his ambition was destined to a disappointment; the Presbyterians, ever his opponents, found on this point allies in many officers of the army; and Owen,⁽³⁾ afterwards elected president of Harvard College, draughted for them a powerful and effectual remonstrance. In view of his own elevation, Cromwell had established an upper house; its future members to be nominated by the protector, yet in concurrence with the peers. But the wealth of the ancient hereditary nobility continued; its splendour was not yet forgotten; the new peerage, exposed to the contrast, excited ridicule without giving strength to Cromwell; the House of Commons continually spurned at their power, and 1658. controverted their title. This last parliament was also dissolved. Unless Cromwell could exterminate the

⁽¹⁾ Waller, *Of a War with Spain*, verses 23—30.

⁽²⁾ Ludlow, 223.

⁽³⁾ Ludlow, 224.

Catholics, convert the inflexible Presbyterians, chill the loyalty of the royalists, and corrupt the judgment of the republicans, he never could hope the cheerful consent of the British nation to the permanence of his government. He had not even a party, except of personal friends, and his government was well understood to be co-extensive only with his life. It was essentially a state of transition. He did not connect himself with the revolution, for he put himself above it, and controlled it; nor with the monarchy, for he was an active promoter of the execution of Charles; nor with the Church, for he subverted it; nor with the Presbyterians, for he barely tolerated their worship, without gratifying their ambition. He rested on himself; his own genius and his own personal resources were the basis of his power. Having subdued the revolution, there was no firm obstacle but himself to the restoration of the Stuarts, and his death was necessarily a signal for new revolutions.

The accession of Richard met with no instant opposition; for the tranquillity of expectation preceded the impending change. Like his father, he had no party in the nation; unlike his father, he had no capacity for public affairs. The restoration of the Stuarts was already resolved upon by the people of England. Richard convoked a parliament only to dissolve it; he could not control the army, and he could not govern England without the army. Involved in perplexities, he resigned. His accession had changed nothing; his abdication changed nothing; content to be the scoff of the proud, he had wisely acted upon the consciousness of his incompetency, and, in the bosom of private life, remote from wars, from ambition, from power, he lived to extreme old age in the serene enjoyment of tranquil affections, and of a gentle and modest temper. English politics went forward in their course.

The council of officers, the revival of the "interrupted" Long Parliament, the intrigues of Fleetwood and Desborough, the transient elevation of Lambert, were but a series of unsuccessful attempts to defeat the wishes of the people. Every new effort was soon a failure; and each successive failure did but expose the enemies of royalty to increased indignation and contempt. In vain did Milton forebode that, "of all governments, that of a restored king is the worst;" nothing could long delay the restoration. *The fanaticism which had made the revolution, had burnt*

out, and was now a spent volcano. Among the possible combinations of human character, is that of an obstinate and almost apathetic courage, a sluggish temperament, a narrowness of mind, and yet a very accurate, though a mean-spirited judgment, which, "like a two-foot rule," measures great things as well as small, not rapidly, but with equal indifference and precision. Such a man was Monk, soon to be famous in American annals, from whose title, as duke of Albemarle, Virginia named one of her most beautiful counties, and Carolina her broadest bay. Sir William Coventry, no mean judge of men, esteemed him a drudge; Lord Sandwich sneered at him plainly as a thick-skulled fool; and the more courteous Pepys paints him as "a heavy, dull man, who will not hinder business, and cannot aid it." He was precisely the man demanded by the crisis. When Monk marched his army from Scotland into England, he was only the instrument of the restoration, not its author. Originally a soldier of fortune in the army of the royalists, he had deserted his party, served against Charles I., and readily offered to Cromwell his support. He had no adequate conceptions of the nature or the value of liberty, was no statesman, and was destitute of true dignity of character. Incapable of laying among the wrecks of the English constitution the foundations of a new creation of civil liberty, he only took advantage of circumstances to make his own fortune, and gratify his vain passion for rank and place. He cared nothing for England, he cared only for himself; and therefore he made no terms for his country, but only for himself. He was not the cause of the restoration; he did but hold the Presbyterians in check, and, prodigal of perjuries to the last, he prevented the adoption of any treaty or binding compact between the returning monarch and the people.

Yet the want of such a compact could not alarm the determined enthusiasm of the people of England. All classes sighed for the restoration of monarchy, as the only effectual guarantee of peace. The Presbyterians, like repentant sinners at the confessional, hoping to gain favour by an early and effectual union with the royalists, contented themselves with a vague belief that the martyrdoms of Dunbar would never be forgotten; misfortunes and the fate of Charles I. were taken as sureties that Charles II. *had learned moderation in the school of exile and sorrow;*

and his return could have nothing humiliating for the English people, for it was the nation itself that recalled its sovereign. Every party that had opposed the dynasty of the Stuarts, had failed in the attempt to give England a government; the constitutional royalists, the Presbyterians, the Independents, the Long Parliament, the army, had all in their turn been unsuccessful: the English, preserving a latent zeal for their ancient liberties, were yet at the time inflamed and carried away with a passionate desire of their ancient king. The Long Parliament is re-assembled; the Presbyterians, expelled before the trial of Charles, resume their seats; and the parliament is dissolved, to be succeeded by a new assembly. The king's return is at hand. They who had been its latest advocates, now endeavour to throw oblivion on their hesitancy by the excess of loyalty; men vie with one another in the display of zeal for the restoration; no one is disposed to gain the certain ill-will of the monarch by proposing conditions which might not be seconded; men forget their country in their zeal for the king; they forget liberty in their eagerness to advance their fortunes; a vague proclamation on the part of Charles II., promising a general amnesty, fidelity to the Protestant religion, regard for tender consciences, and respect for the English laws, was the only pledge from the sovereign. And now, after twenty years of storms, the light of peace dawns in the horizon. All England was in ecstasy. Groups of royalists gathered round buckets of wine in the streets, and drank the king's health on their knees. The bells in every steeple rung merry peals; the bonfires round London were so numerous and so brilliant, that the city seemed encircled with a halo;(1) and under a clear sky, with a favouring wind, the path of the exiled monarch homewards to the kingdom of his fathers, is serene and unruffled; as he landed on the soil of England, he was received by infinite crowds with all imaginable love. The shouting and general joy were past imagination.(2) On the journey from Dover to London, the hillocks all the way were covered with people; the trees were filled;(3) and such was the prodigality of flowers from maidens, such the acclamations from throngs of men, the whole kingdom seemed gathered along the road-sides. The companies of

(1) Pepys, i. 15, 18.

(3) Gumble's Life of Monck, 386.

(2) Pepys.

the city welcomed the king with loud thanks to God for his presence;(1) and he advanced to Whitehall through serried ranks of admiring citizens. All hearts were open; and on the evening of his arrival in the capital of his kingdom, he employed the enthusiasm of the time to debauch a beautiful woman of nineteen, the wife of one of his subjects.

In the midst of the universal gladness, the triumph of the royalist party was undisputed. The arms of the commonwealth, and the emblems of republicanism, were defaced and burned with every expression of hatred and scorn. The democratic party, which Cromwell had subdued, was now politically extinct; its adherents sought obscurity among the crowd, while its leaders were obliged to hide themselves from the feverish excitement of popular anger. The melancholic inflexibility and the self-denying austerity of republicanism were out of vogue; levity and licentiousness now came in fashion. Every party that had opposed royalty, had, in the eagerness of political strife, failed to establish a government on a permanent basis. England remembered, that, under its monarchs, it had elected parliaments, enjoyed the trial by jury, and prospered in affluent tranquillity. Except in New England, royalty was now alone in favour. The republican party in England was fallen into extreme unpopularity; the democratic revolution had been an entire failure, but that, with all its faults, its wildness, and its extravagance, it set in motion the valuable ideas of popular liberty which the experience of happier ages was to devise ways of introducing into the political life of the nation. We shall presently see that the excessive loyalty of the moment, too precipitate in the restoration, doomed the country to an arduous struggle, and the necessity of a new revolution.

The immediate effects of the restoration were saddened by the bitterness of revenge. All the regicides that were seized would have perished, but for Charles II., whom good nature led at last to exclaim, "I am tired of hanging, except for new offences." All haste was, however, made to despatch, at least, half a score, as if to appease the shade of Charles I.; and among the selected victims was Hugh Peters, once the minister of Salem, the father-

(1) Clarendon, iii. 772.

in-law of the younger Winthrop; (1) one whom Roger Williams honoured and loved, and whom Milton is supposed to include among

"Men whose life, learning, faith, and pure intent,
Would have been held in high esteem with Paul."

As a preacher, his homely energy resembled the eloquence of Latimer and the earlier divines; in Salem he won general affection; he was ever zealous to advance the interests and quicken the industry of New England, and had assisted in founding the earliest college. His was the fanaticism of an ill-balanced mind, mastered by great ideas, which it imperfectly comprehends; and therefore he repelled monarchy and episcopacy with excited passion. Though he was not himself a regicide, his zeal made him virtually an accomplice, by his influence over others. (2) He could not consider consequences, and zeal overwhelmed his judgment. Nor was he entirely free from that bigotry which refuses to extend the rights of humanity beyond its own altars; (3) he could thank God for the massacres of Cromwell in Ireland. (4) And yet benevolence was deeply fixed in his heart; he ever advocated the rights of the feeble, and pleaded for the sufferings of the poor. Of his whole career it was said, that "many godly in New England dared not condemn what Hugh Peters had done." (5) His arraignment, his trial, and his execution, were scenes of wanton injustice. He was allowed no counsel; and, indeed, his death had been resolved upon beforehand, though even false witnesses did not substantiate the specific charges urged against him. His last thoughts reverted to Massachusetts. "Go home to New England, and trust God there;" it was his final counsel to his daughter. At the gallows, he was compelled to wait while the body of his friend Cooke, who had just been hanged, was cut down and quartered before his eyes. "How like you this?" cried the executioner, rubbing his bloody hands. "I thank God," replied the martyr, "I am not terrified at it; you may do your worst." To his friends he said, "Weep not for me; my

(1) R. Williams to J. Winthrop, jun., in Knowles, 310: "You were the son of two noble fathers. Surely I did ever, from my soul, honour and love them."

(2) Evelyn's Memoirs, ii. 3.

(3) Trial of Anne Hutchinson.

(4) Whitelocke, 428: "Drogheda is taken, 3,552 of the enemy slain. Ashton killed; none spared. I came now from giving thanks in the great church."

(5) Crown, in Chalmers, 264.

heart is full of comfort;" and he smiled as he made himself ready to leave the world. Even death could not save him from his enemies; the bias of party corrupts the judgment, and cruelty justified itself by defaming its victim.(1) So perished a freeman of Massachusetts; the first who lost his life for opposition to monarchy. The blood of Massachusetts was destined to flow freely on the field of battle for the same cause; the streams were first opened beneath the gallows.(2)

The regicides, who had at nearly the same time been condemned to death, did not abate their confidence in their cause. Alone against a nation, pride of character blended with religious fervour and political enthusiasm. Death under the horrid forms which a barbarous age had devised, and a barbarous jurisprudence still tolerated, they could meet with serenity, or with exultation. The voice within their breasts still approved what they had done; a better world seemed opening to receive them; and, as they ascended the scaffold, their undaunted composure and lofty resignation seemed to call on earth and heaven to witness how unjustly they suffered.

But it was not enough to punish the living; vengeance invaded the tombs. The corpses of Cromwell, Bradshaw, and Ireton, were, by the order of both houses of parliament, and with the approbation of the king, disinterred, dragged on hurdles to Tyburn, and regularly hanged at the three corners of the gallows. In the evening, the same bodies were cut down and beheaded, amidst the exulting merriment of the Cavaliers. Such is revenge!

Of the judges of King Charles I., three escaped to America. Edward Whalley, who had first won laurels in the field of Naseby, had ever enjoyed the confidence of Cromwell, and remained to the last an enemy to the Stuarts, and a friend to the interests of the Independents, —and William Goffe, a firm friend to the family of Cromwell,(3) a good soldier, and an ardent partisan, but ignorant of the true principles of freedom,—arrived in

(1) The story that he died drunk, is a foolish calumny, reflecting discredit only on those who could propagate it. Charles I. drank wine before his execution, for fear of trembling. South is extravagant, Burnet, i. 226, could have heard only the accounts of his enemies, which were caricatures.

(2) See a favourable view of Peters in Upham's Second Century Lecture at Salem, 13—27, and Postscript. So, too, Felt's Annals of Salem, 132—151. Bentley, in Mass. Hist. Coll. vi. 250—254. London Monthly Repository, xiv. 525 and 602. Opposite opinions in nearly all the royalist writers.

(3) Burton's Diary, i. 361.

Boston, where Endicot, the governor, received them with courtesy. For nearly a year, they resided unmolested within the limits of Massachusetts, holding meetings in every house, where they preached and prayed, and gained universal applause. When warrants arrived from 1661.

England for their apprehension, they fled across the country to New Haven, where it was esteemed a crime against God to bewray the wanderer or give up the outcast. Yet such diligent search was made for them, that they never were in security. For a time they removed in secrecy from house to house; sometimes concealed themselves in a mill, sometimes in clefts of the rocks by the seaside; and for weeks together, and even for months, they dwelt in a cave in the forest. Great rewards were offered for their apprehension; Indians as well as English were urged to scour the woods in quest of their hiding-place, as men hunt for the holes of foxes. When the zeal of the search was nearly over, they retired to a little village on the Sound; till at last they escaped by night to an appointed place of refuge in Hadley, and the solitudes of the most beautiful valley of New England gave shelter to their wearisome and repining age.(1)

John Dixwell was more fortunate. He was able to live undiscovered, and, changing his name, was absorbed among the inhabitants of New Haven. He married, and lived peacefully and happily. The History of the World, which Raleigh had written in imprisonment, with the sentence of death hanging over his head, was the favourite study of the man whom the laws of England had condemned to the gallows; and he ever retained a firm belief that the spirit of English liberty would demand a new revolution, which was achieved in England a few months before his end, and of which the earliest rumours may have reached his death-bed.(2)

Three of the regicides, who had escaped to Holland, found themselves, in the territory of a free and independent state,(3) less securely sheltered than their colleagues in the secret places of a dependent colony.

(1) Stiles, in c. iii. of his History of Three of the Judges of Charles I., has collected the materials on this subject. Papers relating to it may be found in the Dutch records. What need of referring to Hutch. Hist. vol. i., to the papers in Hutch. Coll., to Crown's deposition, in Chalmers, 263, 264?

(2) Dixwell died March 13, 1689, aged 81.

(3) The story in Pepys, ii. 149, 150, 4to. ed., is very unfavourable to De Witt.

They were apprehended in Holland, surrendered by the States, and executed in England.

Retributive justice, thought many, required the execution of regicides. One victim was selected for his genius and integrity; such was the terror inspired by their influence. Now that all England was carried away with eagerness for monarchy, Sir Henry Vane, the former governor of Massachusetts, the benefactor of Rhode Island, the ever-faithful friend of New England, adhered with undaunted firmness to "the glorious cause" of popular liberty; and, shunned by every man who courted the returning monarch, he became noted for the most "Catholic" unpopularity.(1) He fell from the affections of the English people, when the English people fell from the jealous care of their liberties. He had ever been incorrupt and disinterested, merciful and liberal. When Unitarianism was persecuted, not as a sect, but as a blasphemy, Vane interceded for its advocate;(2) he pleaded for the liberty of Quakers imprisoned for their opinions;(3) as a legislator, he demanded justice in behalf of the Roman Catholics; he resisted the sale of Penruddoc's men into slavery, as an aggression on the rights of man. The immense emoluments of his office as treasurer of the navy he voluntarily resigned.(4) When the Presbyterians, though his adversaries, were forcibly excluded from the House of Commons, he also absented himself.(5) When the monarchy was overthrown, and a commonwealth attempted, Vane reluctantly filled a seat in the council; and, resuming his place as a legislator, amidst the floating wrecks of the English constitution, he clung to the existing parliament as to the only fragment on which it was possible to rescue English liberty. His energy gave to the English navy its efficient organization; if England could cope with Holland on the sea, the glory of preparation is Vane's. His labours in that remnant of a parliament were immediately turned to the purification of liberty in its sources; and he is believed to have anticipated every great principle of the modern Reform Bill. He steadily resisted the usurpation of Cromwell; as he had a right to esteem the sorrows of his country his private sorrows, he declared it "no small grief, that the evil

(1) Maidston to Winthrop.

(2) Sewell, 191.

(3) See Vane's Speeches, in Burton.

(4) Godwin, iii. 511.

(5) Macaulay, v. 99.

and wretched principles of absolute monarchy should be revived by men professing godliness;" and Cromwell, unable to intimidate him, confined him to Carisbrook Castle. Both Cromwell and Vane were unsuccessful statesmen; the first desired to secure the government of England to his family; the other, to vindicate it for the people.

The Convention Parliament had excepted Vane from the indemnity, on the king's promise that he should not suffer death. It was now resolved to bring him to trial; and he turned his trial into a triumph. Though "before supposed to be a timorous man,"⁽¹⁾ he appeared before his judges with animated fearlessness. Instead of offering apologies for his career, he denied the imputation of treason with settled scorn, defended the right of Englishmen to be governed by successive representatives, and took glory to himself for actions which promoted the good of England, and were sanctioned by parliament, as the virtual sovereign of the realm. He spoke not for his life and estate, but for the honour of the martyrs to liberty that were in their graves, for the liberties of England, for the interest "of all posterity in time to come." He had asked for counsel. "Who," cried the solicitor, "will dare to speak for you, unless you can call down from the gibbet the heads of your fellow-traitors?" "I stand single," said Vane; "yet, being thus left alone, I am not afraid, in this great presence, to bear my witness to the glorious cause, nor to seal it with my blood." Such true magnanimity stimulated the vengeance of his enemies; "they clamoured for his life." "Certainly," wrote the king, "Sir Henry Vane is too dangerous a man to let live, if we can honestly put him out of the way."⁽²⁾ It was found he could not honestly be put out of the way; but still, the solicitor urged, "he must be made a sacrifice." "We know what to do with him," said the king's counsel.⁽³⁾

The day before his execution, his friends were admitted to his prison; and he cheered their drooping spirits by his own serene intrepidity, reasoning calmly on death and immortality. He reviewed his political career, from the day when he defended Anne Hutchinson, to his last

(1) Calamy's Abridgment, 99, 100. Burnet, i. 225. "He was naturally a very fearful man." Hume, c. lxiii.

(2) The letter, in Hallam, ii. 443.

(3) The Trial of Sir Henry Vane, 73, 35.

struggle for English liberties, and could say, "I have not the least recoil in my heart as to matter or manner of what I have done." A friend spoke of prayer, that for the present the cup of death might be averted. "Why should we fear death?" answered Vane; "I find it rather shrinks from me, than I from it." His children gathered round him, and he stooped to embrace them, mingling consolation with kisses. "The Lord will be a better father to you." "Be not you troubled, for I am going home to my Father." And his farewell counsel was, "Suffer anything from men rather than sin against God." When his family had withdrawn, he declared his life to be willingly offered to confirm the wavering, and convince the ignorant. The cause of popular liberty still seemed to him a glorious cause. "I leave my life as a seal to the justness of that quarrel. Ten thousand deaths, rather than defile the chastity of my conscience; nor would I, for ten thousand worlds, resign the peace and satisfaction I have in my heart."

The plebeian Hugh Peters had been hanged; Sir Henry Vane was to suffer on the block. The same cheerful resignation animated him on the day of his execution. As the procession moved through the streets, men from the windows and tops of houses expressed their sorrow, pouring out prayers for him as he passed by; and the people shouted aloud, "God go with you." Arrived on the scaffold, he was observable above all others by the intrepidity of his demeanour. Surveying the vast surrounding multitude with composure, he addressed them, and sought to awaken in their souls the love of English liberty. His voice was overpowered with trumpets: finding he could not bear an audible testimony to his principles, he was not in the least disconcerted by the rudeness, but, in the serenity of his manner, continued to show with what calmness an honest patriot could die. With unbroken trust in Providence, he believed in the progress of civilization; and while he reminded those around him, that "he had foretold the dark clouds which were coming thicker and thicker for a season," it was still "most clear to the eye of his faith," that a better day would dawn in the clouds. "Blessed be God," exclaimed he, as he bared his neck for the axe, "I have kept a conscience void of offence to this day, and have not deserted the righteous cause for which I suffer." That righteous cause was demo-

cratic liberty ; in the history of the world, he was the first martyr to the principle of the paramount power of the people ; and, as he had predicted, " his blood gained a voice to speak his innocence." The manner of his death was the admiration of his times.

Puritanism, with the sects to which it gave birth, ceased to sway the destinies of England. The army of Cromwell had displayed its power in the field ; Milton, having shown the eloquence it could inspire, still lived to illustrate what poetry it could create, in works that are counted among the noblest productions of the human mind ; Vane proved how fearlessly it could bear testimony for liberty in the face of death ; New England is the monument of its power to establish free states. The ancient institutions of England would not yield to new popular establishments ; but the bloom of immortality belongs to the example of Vane, to the poetry of Milton, and, let us hope, to the institutions of New England.

To New England, the revolutions in the mother country were not indifferent ; the American colonies attracted the notice of the courts of justice in Westminster Hall. They were held, alike by the nature of the English constitution, and the principles of the common law, to be subordinate to the English parliament, and bound by its acts, whenever they were specially named in a statute, or were clearly embraced within its provisions. An issue was thus made between Massachusetts and England ; for that colony had, as we have seen, refused to be subject to the laws of parliament, and had remonstrated against such subjection, as " the loss of English liberty." The Long Parliament had conceded the justice of the remonstrance. The judges, on the restoration, decreed otherwise, and asserted the legislative supremacy of parliament over the colonies without restriction. Such was the established common law of England.(1)

Immediately on the restoration of Charles II., the 1660. Convention Parliament(2) granted to the monarch a subsidy of twelve pence in the pound, that is, of five per cent., on all merchandise exported from, or imported into, the kingdom of England, or " any of his Majesty's domi-

(1) Freeman's Reports, 175 ; Modern Reports, iii. 159, 160 ; Vaughan's Reports, 170, 400 ; Modern Reports, iv. 225 ; Blackstone's Commentaries, i. 106—109.

(2) 12 Charles II. c. iv.

nions thereto belonging.”(1) Doubts arising, not whether the power of parliament was co-extensive with the English empire, but what territories the terms of the act included, they were interpreted to exclude “the dominions not of the crown of England.”(2) The tax was also never levied in the colonies; nor was it understood that the colonies were bound by a statute, unless they were expressly named.(3)

That distinctness was not wanting, when it was required by the interests of English merchants. The Navigation Act of the commonwealth had not been designed to trammel the commerce of the colonies; the Convention Parliament—the same body which betrayed the liberties of England, by restoring the Stuarts without conditions—now, by the most memorable statute(4) in the English maritime code, connected in one act the protection of English shipping, and a monopoly to the English merchant of the trade with the colonies. In the reign of Richard II.,(5) the commerce of English ports had been secured to English shipping: the Act of Navigation of 1651 had done no more; and against it the colonists made no serious objection. The present act renewed the same provisions, and further avowed the design of sacrificing the natural rights of the colonists to English interests. “No merchandise shall be imported into the plantations but in English vessels, navigated by Englishmen, under penalty of forfeiture.” The harbours of the colonies were shut against the Dutch, and every foreign vessel.—America, as the asylum of the oppressed, invited emigrants from the most varied climes. It was now enacted, that none but native or naturalized subjects should become a merchant or factor in any English settlement; excluding the colonists from the benefits of a foreign competition.

American industry produced articles for exportation; but these articles were of two kinds. Some were produced in quantities only in America, and would not compete in the English market with English productions. These were enumerated; and it was declared that none of them, that is, no sugar, tobacco, ginger, indigo, cotton, fustic,

(1) Same expression in 2 Anne, c. ix.; 3 Anne, c. v.; and in 21 George II. c. ii. The expression does not include the colonies.

(2) Vaughan's Reports, 170. Compare Tyrwhit and Tyndale's Digest, xlii.—xv. Chalmers, p. 241, is not sustained in his inference.

(3) Blackstone, i. 107, 108; Chitty on Prerogative, 33.

(4) 12 Charles II. c. xviii.

(5) 5 Richard II. c. iii.

dyeing woods, shall be transported to any other country than those belonging to the crown of England, under penalty of forfeiture; and as new articles of industry of this class grew up in America, they were added to the list. But such other commodities as the English merchant might not find convenient to buy, the American planter might ship to foreign markets; the farther off the better, (1) because they would thus interfere less with the trades which were carried on in England. The colonists were, therefore, by a clause in the Navigation Act, confined to ports south of Cape Finisterre.

Hardly had time enough elapsed for a voyage or two across the Atlantic, before it was found that the English merchant might derive still further advantages at the cost of the colonists, by the imposition of still further restraints.

A new law (2) prohibited the importation of European commodities into the colonies, except in English ships from England, to the end that England might be made the staple, not only of colonial productions, but of colonial supplies. Thus the colonists were compelled to buy in England, not only all English manufactures, but everything else that they might need from any soil but their own.

The activity of the shipping of New England, which should only have excited admiration, excited envy in the minds of the English merchants. The produce of the plantations of the southern colonies was brought to New England, as a result of the little colonial exchanges. To the extravagant fears of mercantile avarice, New England was become a staple. (3) Parliament, (4) therefore,

resolved to exclude New England merchants from competing with the English in the markets of the southern plantations; the liberty of free traffic between the colonies was accordingly taken away; and any of the enumerated commodities exported from one colony to another, were subjected to a duty equivalent to the duty on the consumption of these commodities in England.

By degrees, the avarice of English shopkeepers became bolder; and America was forbidden, by act of parliament, not merely to manufacture those articles which might compete with the English in foreign markets, but even to supply herself, by her own industry, with those articles which her

(1) Compare Adam Smith, *b. iv. c. vii. p. iii.*
 (3) Chalmers, 262. See Hutch. Coll. 422.

(2) 15 Car. II. c. vii.
 (4) 25 Car. II. c. vii.

position enabled her to manufacture with success for her own wants.(1)

Thus was the policy of Great Britain, with respect to her colonies, a system of monopoly, adopted after the example of Spain, and, for more than a century, inflexibly pursued, in no less than twenty-nine acts of parliament. The colonists were allowed to sell to foreigners only what England would not take; that so they might gain means to pay for the articles forced upon them by England. The commercial liberties of rising states were shackled by paper chains, and the principles of natural justice subjected to the fears and the covetousness of English shopkeepers.(2)

The effects of this system were baleful to the colonies. They could buy European and all foreign commodities only at the shops of the metropolis; and thus the merchant of the mother country could sell his goods for a little more than they were worth. England gained at the expense of America. The profit of the one was balanced by the loss of the other.

In the sale of their products the colonists were equally injured. The English, being the sole purchasers, could obtain those products at a little less than their fair value. The merchant of Bristol or London was made richer; the planter of Virginia or Maryland was made poorer. No new value was created; one lost what the other gained; and both parties had equal claims to the benevolence of the legislature.(3)

Thus the colonists were wronged, both in their purchases and in their sales; the law "cut them with a double edge." The English consumer gained nothing; for the surplus colonial produce was re-exported to other nations. The English merchant, and not the English people, profited by the injustice. The English people were sufferers. Not that the undue employment of wealth in the colonial trade occasioned an injurious scarcity in other branches of industry; for the increased productiveness of capital soon yielded a larger supply than ever for all kinds of business; just as a fortune doubles rapidly at a high rate of interest. But the Navigation Act involved the foreign policy of England in contradictions; she was herself a monopolist of her own colonial trade, and yet steadily aimed at en-

(1) For example, 5 Geo. II. c. xxii. § 7; and 23 Geo. II. c. xxix.

(2) Burke.

(3) Say, *l.* 288, 289.

franchising the trade of the Spanish settlements. Hence arose a set of relations which we shall find pregnant with consequences.

In the domestic policy of England, the act increased the tendency to unequal legislation. The English merchant having become the sole factor for American colonies, and the manufacturer claiming to supply colonial wants, the English landholder consented to uphold the artificial system only by sharing in its emoluments; and corn-laws began to be enacted, in order to secure the profits of capital applied to agriculture against the dangers of foreign competition. Thus the system which impoverished the Virginia planter, by lowering the price of his tobacco crop, oppressed the English labourer, by raising the price of his bread; (1) till at last a Whig ministry (2) could offer a bounty on the exportation of corn.

The law was still more injurious to England, from its influence on the connection between the colonies and the metropolis. Durable relations in society are correlative, and reciprocally beneficial. In this case, the statute was made by one party to bind the other, and was made on iniquitous principles. Established as the law of the strongest, it could endure no longer than the superiority in force. It converted commerce, which should be the bond of peace, into a source of rankling hostility, and scattered the certain seeds of a civil war. The Navigation Act contained a pledge of the ultimate independence of America.

To the colonists, the Navigation Act was, at the time, an unmitigated evil; for the prohibition (3) of planting tobacco in England and Ireland was a useless mockery.

As a mode of taxing the colonies, the monopoly was a failure; the contribution was made to the pocket of the merchant, not to the treasury of the metropolis.

The usual excuse for colonial restrictions is founded on the principle that colonies were established at the cost of the mother country for that very purpose. (4) In the case of the American colonies, the apology cannot be urged. The state founded none of them. The colonists escaped from the mother country, and had, at their own cost, and by their own toil, made for themselves dwellings in the New World. Virginia was founded by a private com-

(1) 22 Car. II. c. xiii.

(2) 1 William and Mary.

(3) 12 Car. II. c. xxxiv. Compare Chalmers, 243.

(4) Montesquieu, l. xxi. c. xxi.

pany; New England was the home of exiles. England first thrust them out; and she owned them as her children only to oppress them!

Again, it was said that the commercial losses of the colonists were compensated by protection. But the connection with Europe was fraught only with danger; for the rivalry of European nations did but transfer the scenes of their bloody feuds to the wilds of America.

The monopoly, it must be allowed, was of the least injurious kind. It was conceded, not to an individual, nor to a company, nor to a single city, but was open to the competition of all Englishmen.(1)

The history of the Navigation Act would be incomplete, were it not added, that, whatever party obtained a majority, it never, till the colonies gained great strength, occurred to the British parliament that the legislation was a wrong. Bigotry is not exclusively a passion of religious superstition. Its root is in the human heart, and it is reproduced in every age. Blinding the intellectual eye, and comprehending no passion but its own, it is the passionate and partial defence of an existing interest. The Antonines of Rome, or, not to go beyond English history, Elizabeth and Charles I., did not question the divine right of absolute power. "Were Nero in power," said Cromwell himself, when Protector, "it would be a duty to submit." When Laud was arraigned, "Can any one believe me a traitor?" exclaimed the astonished prelate, with real surprise. The Cavaliers, in the civil war, did not doubt the sanctity of the privileges of birth; and now the English parliament, as the instrument of mercantile avarice, had no scruple in commencing the legislation, which, when the colonists grew powerful, was, by the greatest British economist, declared to be "a manifest violation of the rights of mankind." (2)

Such was the disposition of the English parliament towards the colonies; the changes in their internal constitutions were to depend on the personal character of the monarch whom England had taken into favour.

The tall and swarthy grandson of Henry IV. of France, was naturally possessed of a disposition which, had he preserved purity of morals, had made him one of the most amiable of men. It was his misfortune, in very early life, to have become thoroughly debauched in mind and heart;

(1) 6 Anne, c. xxxvii.

(2) Smith's Wealth of Nations.

and adversity, usually the rugged nurse of virtue, made the selfish libertine but the more reckless in his profligacy. He did not merely indulge his passions; his neck bowed to the yoke of lewdness. He was attached to women, not from love, for he had no jealousy, and was regardless of infidelities; nor entirely from debauch, but from the pleasure of living near them, and sauntering in their company. His delight—such is the record of the royalist Evelyn—was in “concubines, and cattle of that sort;” and up to the last week of his life, he spent his time in dissoluteness, toying with his mistresses, and listening to love-songs.(1) If decision ever broke through his abject vices, it was but a momentary flash; a life of pleasure sapped his moral courage, and left him imbecile, fit only to be the tool of courtiers, and the dupe of mistresses. Did the English Commons impeach Clarendon? Charles II. could think of nothing but how to get the Duchess of Richmond to court again. Was the Dutch war signalized by disasters? “The king did still follow his women as much as ever;” and took more pains to reconcile the chambermaids of Lady Castlemaine, or make friends of the rival beauties of his court, than to save his kingdom. He was “governed by his lust, and the women, and the rogues about him.”

The natural abilities of Charles II. were probably overrated. He was incapable of a strong purpose or steady application. He read imperfectly and ill.(2) When drunk, he was a silly, good-natured, subservient fool.(3) In the council of state, he played with his dog, never minding the business, or making a speech, memorable only for its silliness;(4) and if he visited the naval magazines, “his talk was equally idle and frothy.”(5)

The best trait in his character was his natural kindliness. Yet his benevolence was in part a weakness; his bounty was that of facility; and his placable temper, incapable of strong revenge, was equally incapable of affection. He so loved his present tranquillity, that he signed the death-warrants of innocent men, rather than risk disquiet; but of himself he was merciful, and was reluctant to hang any but republicans. His love of placid enjoyments and of ease continued to the end. On the last morning of his life, he bade his attendants open the curtains of his bed, and the windows of his bed-chamber, that he might once

(1) Evelyn.

(2) Pepys, i. 243.

(3) *Ibid.* ii. 130.(4) *Ibid.* ii. 123, 130.(5) *Ibid.* i. 243.

more see the sun.(1) He desired absolution; "For God's sake, send for a Catholic priest;" but checked himself, adding, "it may expose the Duke of York to danger." (2) He pardoned all his enemies, no doubt sincerely. The queen sent to beg forgiveness for any offences. "Alas, poor woman, she beg my pardon!" he replied; "I beg hers with all my heart; take back to her that answer." (3) He expressed some regard for his brother, his children, his mistresses. "Do not leave poor Nelly Gwyn to starve," was almost his last commission. (4)

Such was the lewd king of England, on whose favour depended the liberties of the New England colonies, where lewdness was held a crime, and adultery inexorably punished by death on the gallows.

Massachusetts, strong in its charter, made no haste to present itself in England as a suppliant. "The colony of Boston," wrote Stuyvesant, (5) "remains constant to its old maxims of a free state, dependent on none but God." Had the king resolved on sending them a governor, the several towns and churches throughout the whole country were resolved to oppose him. (6)

The colonies of Plymouth, of Hartford, and New Haven, not less than of Rhode Island, proclaimed the new king, and acted in his name; (7) and the rising republic on the Connecticut appeared in London by its representative, the younger Winthrop, who went, as it were, between the mangled limbs of his father-in-law, to insure the welfare of his fellow-exiles in the west. They had purchased their lands of the assigns of the Earl of Warwick, and from 1661. Uncas they had bought the territory of the Mohegans; and the news of the restoration awakened a desire for a patent. But the little colony proceeded warily; they draughted among themselves the instrument which they desired the king to ratify; and they could plead for their possessions their rights by purchase, by conquest from the Pequods, and by their own labour, which had redeemed

(1) Barillon, in Dalrymple, App. to p. i. b. i. Compare James II. Memoirs, i. 746; Evelyn, iii. 130, 131.

(2) James II. Memoirs, i. 747.

(3) Dalrymple, book i. p. 66.

(4) Burnet, ii. 284. So, too, Evelyn, iii. 132.

(5) Albany Records, xviii. 124, October 6, 1660.

(6) Hutch. Coll. 399; Belknap, 437.

(7) "Quantum mutatus ab illo Hectore," adds Stuyvesant, who was very fond of a Latin quotation. There was, however, no change in the political principles of New England, which never was regicide. Albany Records, xviii. 123.

the wilderness. A letter was also addressed from Connecticut to the aged Lord Say and Seal,(1) the early friend of the emigrants, and now, on the restoration, while it was yet the royal policy to conciliate the Presbyterians, a favoured officer of the crown. By the memory of past benefits, and the promise of grateful regard, they request his influence to obtain for them a guarantee for their liberties.

The venerable man, too aged for active exertion, secured for his clients the kind offices of the lord chamberlain, the Earl of Manchester, a man "of an obliging temper, universally beloved, being of a virtuous and generous mind."(2) "Indeed he was a noble and a worthy lord, and one that loved the godly." "He and Lord Say did join together, that their godly friends in New England might enjoy their just rights and liberties."

But the chief happiness of Connecticut was in the selection of its agent. In the younger Winthrop, the qualities of human excellence were mingled in such happy proportions, that, while he always wore an air of contentment, no enterprise in which he engaged seemed too lofty for his powers. Even as a child, he had been the pride of his father's house; he had received the best instruction which Cambridge and Dublin could afford; and had perfected his education by visiting, in part at least, in the public service, not Holland and France only, in the days of Prince Maurice and Richelieu, but Venice and Constantinople.(3) From boyhood his manners had been spotless; and the purity of his soul added lustre and beauty to the gifts of nature and industry;(4) as he travelled through Europe, he sought the society of men eminent for learning. Returning to England in the bloom of life, with every promise of preferment which genius, gentleness of temper, and influence at court, could inspire, he preferred to follow his father to the new world; regarding "diversities of countries but as so many inns," alike conducting to "the journey's end."(5) When his father, the father of Massachusetts, became impoverished by his expences in planting the colony, the pious son, unsolicited and without recompense, relinquished his large inheritance, that "it might be spent in furthering the great

(1) See Trumbull, i. App. vii. viii. ix.

(2) Burnet, i. 134.

(3) Winthrop, i. 348 and 354; Mather, b. ii. c. xi.

(4) Ibid. i. 341.

(5) His letter, in Winthrop, i. 350.

work"(1) in Massachusetts; himself, single-handed and without wealth, engaging in the enterprise of planting Connecticut. Care for posterity seemed the motive to his actions.(2) His vast and elevated mind had, moreover, that largeness, that he respected learning, and virtue, and genius, in whatever sect they might be found. No narrow bigotry limited his affections or his esteem; and when Quakers had become the objects of persecution, he was earnest and unremitting in argument and entreaty, to prevent the effusion of blood.(3) Master over his own mind, he never regretted the brilliant prospects he had resigned, nor complained of the comparative solitude of New London; a large library(4) furnished employment to his mind; the study of nature, according to the principles of the philosophy of Bacon, was his delight; for "he had a gift in understanding and art;" and his home was endeared by a happy marriage, and "many sweet children." His knowledge of human nature was as remarkable as his virtues. He never attempted impracticable things; but, understanding the springs of action, and the principles that control affairs, he calmly and noiselessly succeeded in all that he undertook. The New World was full of his praises; Puritans, and Quakers, and the freemen of Rhode Island,(5) were alike his eulogists; the Dutch at New York, not less than all New England, had confidence in his integrity;(6) Clarendon(7) and Milton, Newton and Robert Boyle,(8) became his correspondents. If he had faults, they are forgotten. In history he appears, by unanimous consent,(9) from early life, without a blemish; and it is the beautiful testimony of his own father, that "God gave him favour in the eyes of all with whom he had to do." In his interview with Charles II., there is reason to believe he was able to in-

(1) Mather, b. ii. c. xi. Winthrop's will, in Winthrop, ii. 360.

(2) "And zealous care for their posteritie, Of all his acts, the primum mobile." Wolcott.

(3) Bishop's N. E. Judged: "Did not John Winthrop, the Governor of the jurisdiction of Connecticote, labour with you, that ye would not put them to death? And did he not say unto you, that he would beg it of you on his bare knees, that ye would not do it?" (p. 157).

(4) Winthrop, ii. 20.

(5) Roger Williams's Letters, in Knowles.

(6) Albany Records, iv. 405, and xviii. 188, 189.

(7) MSS. in my possession.

(8) "Mr. Winthrop, my particular acquaintance." R. Boyle's letter, in Mass. Hist. Coll. xviii. 49. Dedication of vol. xi. of the *Transactions of the Royal Society*.

(9) *Thurloe*, i. 768: "A person of signal worth, as all reports present."

spire that naturally benevolent monarch with curiosity; perhaps he amused him with accounts of Indian warfare, and descriptions of the marvels of a virgin world. A favourable recollection of Charles I., who had been a friend to his father's father, and who gave to his family an hereditary claim on the Stuarts, was effectually revived. His personal merits, sympathy for his family, his exertions, the petition of the colony, and, as I believe, the real good-will of Clarendon,—for we must not reject all faith in generous feeling,—easily prevailed to obtain for 1662. Connecticut an ample patent. The courtiers of King Charles, who themselves had an eye to possessions in America, suggested no limitations; and perhaps it was believed that Connecticut would serve to balance the power of Massachusetts.

The charter, disregarding the hesitancy of New Haven, the rights of the colony of New Belgium, and the claims of Spain on the Pacific, connected New Haven with Hartford in one colony, of which the limits were extended from the Narragansett River to the Pacific Ocean. How strange is the connection of events! Winthrop not only secured to his state a peaceful century of colonial existence, but prepared the claim for western lands. Under his wise direction, the careless benevolence of Charles II. provided in advance the school fund of Connecticut.

With regard to powers of government, the charter was still more extraordinary. It conferred on the colonists unqualified power to govern themselves. They were allowed to elect all their own officers, to enact their own laws, to administer justice without appeals to England, to inflict punishments, to confer pardons, and, in a word, to exercise every power, deliberative and active. The king, far from reserving a negative on the acts of the colony, did not even require that the laws should be transmitted for his inspection; and no provision was made for the interference of the English government in any event whatever. Connecticut was independent except in name. Charles II. and Clarendon thought they had created a close corporation, and they had really sanctioned a democracy. To the younger Winthrop, probably because he had preserved a loyal spirit in Connecticut, Charles II. had written, "the world shall take notice of the sense I have of your kindness, and how great an instrument you have been in pro-

moting the happiness of your country ;"(1) and the disinterested man asked favours only for the community of which he was a member.

After his successful negotiations, and efficient concert in founding the Royal Society, Winthrop returned to America, bringing with him a name which England honoured, and which his country should never forget, and resumed his tranquil life in rural retirement. The amalgamation of the two colonies could not be effected without collision ; and New Haven had been unwilling to merge itself in the larger colony ; the wise moderation of Winthrop was able to reconcile the jarrings, and blend the interests of the united colonies. The universal approbation 1662- of Connecticut followed him throughout all the remainder of his life ; for twice seven years he continued to be annually elected to the office of her chief magistrate.(2)

And the gratitude of Connecticut was reasonable. The charter which Winthrop had obtained secured to her an existence of tranquillity which could not be surpassed. Civil freedom was safe under the shelter of masculine morality ; and beggary and crime could not thrive in the midst of severest manners. From the first, the minds of the yeomanry were kept active by the constant exercise of the elective franchise ; and, except under James II., there was no such thing in the land as an officer appointed by the English king. Connecticut, from the first, possessed unmixed popular liberty. The government was in honest and upright hands ; the little strifes of rivalry never became heated ; the magistrates were sometimes persons of no ordinary endowments ; but though gifts of learning and genius were valued, the state was content with virtue and single-mindedness ; and the public welfare never suffered at the hands of plain men. Roger Williams had ever been a welcome guest at Hartford ; and "that heavenly man, John Haynes," would say to him, "I think, Mr. Williams, I must now confesse to you, that the most wise God hath provided and cut out this part of the

(1) MS. letter in my possession. Savage has printed and remarked on the letter, in a note on Winthrop, i. 126. Compare Maidston to Winthrop, in Thurloe, i. 763 ; and better in Mass. Hist. Coll. xxi. 185. The letter was communicated to me by T. L. Winthrop, of Boston, as addressed to the younger Winthrop.

(2) Compare further on the younger Winthrop, Savage, in Winthrop, i. 64, and 126 ; *Ellis's* Biog. Dict. ; Roger Wolcott, in Mass. Hist. Coll. iv. 262—298.

world as a refuge and receptacle for all sorts of consciences." (1) There never existed a persecuting spirit (2) in Connecticut; while "it had a scholar to their minister in every town or village." Education was cherished; religious knowledge was carried to the highest degree of fineness, alike in its application to moral duties, and to the mysterious questions on the nature of God, of liberty, and of the soul. A hardy race multiplied along the alluvion of the streams, and subdued the more rocky and less inviting fields; its population for a century doubled once in twenty years, in spite of considerable emigration; and if, as has often been said, the ratio of the increase of population is the surest criterion of public happiness, Connecticut was long the happiest state in the world. (3) Religion united with the pursuits of agriculture to give to the land the aspect of salubrity. The domestic wars were discussions of knotty points in theology; the concerns of the parish, the merits of the minister, were the weightiest affairs; and a church reproof the heaviest calamity. The strifes of the parent country, though they sometimes occasioned a levy among the sons of the husbandmen, yet never brought an enemy within their borders; tranquillity was within their gates, and the peace of God within their hearts. No fears of midnight ruffians could disturb the sweetness of slumber; the best house required no fastening but a latch, lifted by a string; bolts and locks were unknown.

There was nothing morose in the Connecticut character. It was temperate industry enjoying the abundance which it had created. No great inequalities of condition excited envy, or raised political feuds; wealth could display itself only in a larger house and a fuller barn; and covetousness was satisfied by the tranquil succession of harvests. There was venison from the hills; salmon, in their season, not less than shad, from the rivers; and sugar from the trees of the forest. For a foreign market little was produced beside cattle; and in return for them but few foreign luxuries stole in. Even so late as 1713, the number of seamen did not exceed one hundred and twenty. (4) The soil had originally been justly divided, or held as common

(1) Mass. Hist. Coll. i. 380.

(2) So Douglas, ii. 135: "I never heard of any persecuting spirit in Connecticut; in this they are egregiously aspersed."

(3) Trumbull, i. 451, gives the number of inhabitants at 17,000, in 1713. There were, probably, as many as 17,000, and more, in 1663.

(4) Ibid. i. 453.

property in trust for the public, and for new comers. Forestalling was successfully resisted; the brood of speculators in land inexorably turned aside. Happiness was enjoyed unconsciously; beneath the rugged exterior, humanity wore its sweetest smile. There was for a long time hardly a lawyer in the land. The husbandman who held his own plough, and fed his own cattle, was the great man of the age; no one was superior to the matron, who, with her busy daughters, kept the hum of the wheel incessantly alive, spinning and weaving every article of their dress. Fashion was confined within narrow limits; and pride, which aimed at no grander equipage than a pillion, could exult only in the common splendour of the blue and white linen gown, with short sleeves, coming down to the waist, and in the snow-white flaxen apron, which, primly starched and ironed, was worn on public days by every woman in the land. For there was no revolution except from the time of sowing to the time of reaping; from the plain dress of the week day to the more trim attire of Sunday.

Every family was taught to look upward to God, as to the fountain of all good. Yet life was not sombre. The spirit of frolic mingled with innocence; religion itself sometimes wore the garb of gaiety; and the annual thanksgiving to God was, from primitive times, as joyous as it was sincere. Nature always asserts her rights, and abounds in means of gladness.

The frugality of private life had its influence on public expenditure. Half a century after the concession of the charter, the annual expenses of the government did not exceed eight hundred pounds, or four thousand dollars; and the wages of the chief justice were ten shillings a day while on service. In each county a magistrate acted as judge of probate, and the business was transacted with small expense to the fatherless.(1)

Education was always esteemed a concern of deepest interest, and there were common schools from the first. Nor was it long before a small college, such as the day of small things permitted, began to be established; and Yale owes its birth "to ten worthy fathers, who, in 1700, assembled at Branford, and each one, laying a few volumes on a table, said, 'I give these books for the founding of a college in this colony.'"

But the political education of the people is due to the

(1) Trumbull, i. 452, 453.

happy organization of towns, which here, as indeed throughout all New England, constituted each separate settlement a little democracy of itself. It was the natural reproduction of the system, which the instinct of humanity had imperfectly revealed to our Anglo-Saxon ancestors. In the ancient republics, citizenship had been an hereditary privilege. In Connecticut, citizenship was acquired by inhabitancy, was lost by removal. Each town-meeting was a little legislature, and all inhabitants, the affluent and the more needy, the wise and the foolish, were members with equal franchises. There the taxes of the town were discussed and levied; there the village officers were chosen; there roads were laid out, and bridges voted; there the minister was elected, the representatives to the assembly were instructed. The debate was open to all; wisdom asked no favours; the churl abated nothing of his pretensions. Whoever reads the records of these village democracies, will be perpetually coming upon some little document of political wisdom, which breathes the freshness of rural legislation, and wins a disproportioned interest from the justice and simplicity of the times. As the progress of society required exertions in a wider field, the public mind was quickened by associations that were blended with early history; and when Connecticut emerged from the quiet of its origin, and made its way into scenes where a new political world was to be created, the sagacity that had regulated the affairs of the village, gained admiration in the field and in council.

During the intervening century, we shall rarely have occasion to recur to Connecticut; its institutions were perfected. For more than a century peace was within its borders; and, with transient interruptions, its democratic institutions were unharmed. For a century, with short exceptions, its history is the picture of colonial happiness. To describe its condition is but to enumerate the blessings of self-government, as exercised by a community of farmers, who have leisure to reflect, who cherish education, and who have neither a nobility nor a populace. How dearly it remembered the parent island, is told by the English names of its towns. Could Charles II. have looked back upon earth, and seen what security his gift of a charter had conferred, he might have gloried in an act which redeemed his life from the charge of having been

unproductive of public happiness. The contentment of Connecticut was full to the brim. In a public proclamation under the great seal of the colony, it told the world that its days under the charter were "halcyon days of peace."

Those days never will return. Time, as it advances, never reproduces an old piece, but unfolds new scenes in the grand drama of human existence—scenes of more glory, of more wealth, of more action, but not of more tranquillity and purity.

Rhode Island was fostered by Charles II. with still greater liberality. When Roger Williams had succeeded in obtaining from the Long Parliament the confirmed union of the territories that now constitute the state, he returned to America, leaving John Clarke as the agent of the colony in England. Never did a young commonwealth possess a more faithful friend; and never did a young people cherish a fonder desire for the enfranchisement of mind. "Plead our case," they had said to him in previous instructions, which Gorton and others had draughted,(1) "in such sort as we may not be compelled to exercise any civil power over men's consciences; we do judge it no less than a point of absolute cruelty." And now that the hereditary monarch was restored and duly acknowledged, they had faith that "the gracious hand of Providence would preserve them in their just rights and privileges." (2) "It is much in our hearts," they urged in their petition to Charles II., "to hold forth a lively experiment, that a most flourishing civil state may stand, and best be maintained, with a full liberty of religious concerns." The benevolent monarch listened to their petition; it is more remarkable that Clarendon exerted himself (3) for the men who used to describe themselves as having fled from bishops as from wolves; the experiment of religious freedom in a nook of a remote continent, could not appear dangerous; it might at once build up another rival to Massachusetts, and solve a curious problem in the history of man. The charter, therefore, which was delayed only

(1) MS. extracts from the records. The instructions are printed in *Mass. Hist. Coll.* xvii. 85–87. The document is of the highest interest, no learning or skill in rhetoric could have mended it.

(2) Commission to John Clarke, in *Mass. Hist. Coll.* xvii. 90, 91.

(3) *R. I. Records.*

by controversies about bounds, was at length perfected, and, with new principles, embodied all that had been granted to Connecticut.⁽¹⁾ The supreme power was committed—the rule continues to-day—to a governor, deputy-governor, ten assistants, now called senators, and deputies from the towns. It marks a singular moderation, that the scruples of the inhabitants were so respected, that no oath of allegiance⁽²⁾ was required of them; the laws were to be agreeable to those of England, yet with the kind reference “to the constitution of the place, and the nature of the people;” and with great benevolence the monarch proceeded to exercise, as his brother attempted to do in England, and as by the laws of England he could not exercise within the realm, the dispensing power in matters of religion. “No person within the said colony, at any time hereafter, shall be anywise molested, punished, disquieted, or called in question, for any difference in opinion in matters of religion; every person may at all times freely and fully enjoy his own judgment and conscience in matters of religious concerns.” The charter did not limit freedom to Christian sects alone; it granted equal rights to the Painim, and the worshipper of Fo. To the disciples of Confucius it was, on the part of a Christian prince, no more than an act of reciprocal justice; the charter of Rhode Island was granted just one year after the Emperor of China had proclaimed the enfranchisement of Christianity among the hundred millions of his people.

No joy could be purer than that of the colonists, when the news was spread abroad, that “George Baxter,⁽³⁾ the most faithful and happy bringer of the charter,” had arrived. On the beautiful island, long esteemed a paragon for fertility, and famed as one of the pleasantest sea-side spots in the world, the whole body of the people gathered together, “for the solemn reception of his Majesty’s gracious letters patent.” It was “a very great meeting and assembly.” The letters of the agent “were opened, and read with good delivery and attention;” the charter was next taken forth from the precious box that had held it, and “was read by Baxter, in the audience and view of all the people; and the letters with his Majesty’s royal stamp, and the broad seal, with much befitting gravity,

¹) Hazard, ii. 612, &c.; and also Knowles, App. G. ²) Hazard, ii. 677.
³) Backus, almost always very accurate, here mistakes the name.

were held up on high, and presented to the perfect view of the people." Now their republic was safe; Massachusetts had denied its separate existence; she must yield to the willing witness of their sovereign. And how could the inhabitants of Rhode Island be otherwise than grateful to Charles II., who had granted to them all that they had asked, and who relied on their affections, without exacting even the oath of allegiance?

This charter of government, constituting, as it then seemed, a pure democracy, and establishing a political system which few beside the Rhode Islanders themselves believed to be practicable, remained in existence till it became the oldest constitutional charter in the world. It outlined the principles of Clarendon and the policy of Charles II. The probable population of Rhode Island, at the time of its reception, may have been two thousand five hundred. In one hundred and seventy years, that number increased forty fold; and the government, which was hardly thought to contain checks enough on the power of the people, to endure even among shepherds and farmers, protected a dense population, and the accumulations of a widely-extended commerce. Nowhere in the world were life, liberty, and property safer than in Rhode Island.

The thanks of the colony were unanimously voted to a triumvirate of benefactors (1)—to "King Charles of England, for his high and inestimable, yea, incomparable favour;" to Clarendon, the historian, the statesman, the prime minister, who had shown "to the colony exceeding great care and love;" and to the modest and virtuous Clarke, (2) the persevering and disinterested envoy, who, during a twelve years' mission, had sustained himself by his own exertions and a mortgage on his estate; 1676. whose whole life was a continued exercise of benevolence, and who, at his death, bequeathed all his possessions for the relief of the needy, and the education of the young. Others have sought office to advance 1663. their fortunes; he, like Roger Williams, parted with his little means for the public good. He had powerful enemies in Massachusetts, and left a name without a spot.

(1) MS. Record, Vote 3, 4, and 6.

(2) On Clarke, see Backus, i. 440; Allen's Biog. Dict. The charge of "baseness" in Grahame, i. 315, is an unwarranted misapprehension. His enemies in Massachusetts disliked his principles and his success; they respected his fidelity and his blameless character. Grahame is usually very candid in his judgments.

if to preserve a record that should refute the calumny, in May, 1665, the legislature asserted that "liberty to all persons, as to the worship of God, had been a principle maintained in the colony from the very beginning thereof; and it was much in their hearts to preserve the same liberty for ever." (1) Nor does this rest on their own testimony in their own favour. The commissioners from England, who visited Rhode Island, reported of its people, "They allow liberty of conscience to all who live civilly; they admit of all religions." (2) And again, in 1680, the government of the colony could say, what therew as no one oppressed individual to controvert, "We leave every man to walk as God persuades his heart; all our people enjoy freedom of conscience." (3) Freedom of conscience, unlimited freedom of mind, was, from the first, the trophy of the Baptists.

What more shall we relate of Rhode Island in this early period? That it invented a new mode of voting, since each freeman was obliged to subscribe his name on the outside of his ballot? that, for a season, it divided its general assembly into two houses—a change which, near the close of the century, was permanently adopted? 1665. that it ordered the towns to pay the deputies three shillings a day for their legislative services? that it was importuned by Plymouth, and vexed by Connecticut, on the subject of boundaries? that, asking commercial immunities, it recounted to Clarendon the merits of its bay, "in very deed the most excellent in New England; having harbours safe for the biggest ships that ever sayled the sea, and open when others at the east and west are locked up with stony doors of ice?" It is a more interesting question, if the rights of conscience and the freedom of mind were strictly respected.

There have not been wanting those who have charged Rhode Island with persecuting the Quakers. The calumny has not even a plausible foundation. The royal commissioners, in 1665, less charitable than the charter, required the oath of allegiance; the general assembly, scrupulous in its respect for the rights of conscience, would listen to no proposition except for an engagement of fidelity, and due obedience to the laws. To refuse the engagement was to forfeit the elective franchise. Could a milder

(1) *Mass. Hist. Coll.* xvii. 98.

(2) *Hutch. Coll.* 413, 415.

(3) *Chalmers*, 234.

course have been proposed? When, by experience, the engagement was found irksome to the Quakers, it was the next year repealed.(1)

Once, indeed, Rhode Island was betrayed into inconsistency. There had been great difficulties in collecting taxes, and towns had refused to pay their rates. In 1671 the general assembly passed a law, inflicting a severe penalty on any one who should speak in town-meeting against the payment of the assessments. The law lost its advocates their re-election; in the next year, the ¹⁶⁷² magistrates were selected from the people called Quakers, and freedom of debate was restored. George Fox himself was present among his Friends, demanding a double diligence in "guards against oppression," and in the firm support "of the good of the people." The instruction of "all the people in their rights," he esteemed the creative power of good in the colony; and he adds,—"You are the unworthiest men upon the earth, if you do lose the liberty wherewith Christ hath made you free in life and glory."(2)

For Maryland, the restoration of the Stuarts was the restoration of its proprietary. Virginia possessed far stronger claims for favour than Rhode Island and ¹⁶⁶¹ Connecticut; and Sir William Berkeley himself embarked for England as the agent of the colony. But Virginia was unhappy alike in the agent whom she selected and in the object of her pursuit. Berkeley was eager in the advancement of his own interests; and Virginia desired relief from the pressure of the Navigation Act,(3) which

(1) Brinley, in Mass. Hist. Coll. v. 216—220; Holmes, i. 341. Compare in reply, Eddy in Mass. Hist. Coll. xvii. 97; Knowles, 324, 325.

(2) The leading printed authorities for early Rhode Island history, are Callender's Century Sermon, Backus's History of the Baptists, and Knowles's Roger Williams. The Mass. Hist. Coll. contain many useful documents, too various to be specially cited. Our Rhode Island Historical Society has published three valuable volumes. Hopkins's History of Providence is not accurate; it is in the Mass. Hist. Coll. Compare, also Walsh's Appeal, 431, &c. Let me not forget to add the reprints from the Records, and the Commentaries of Henry Bull, of Newport. Beside printed works, I have large MS. materials, which I collected in part from the public offices in Rhode Island. I am especially indebted to William R. Staples, who, with singular liberality, intrusted to me the MS. collections which he has been gathering for years. Such kindness demands my gratitude.

(3) Albany Records, xviii. 158. In reply, the Dutch W. I. C., July 18 1662. "Gov. Berkeley has as yet effected very little in favour of the English Virginians." Records, xviii. 197.

Charles II. had so recently ratified. Relief was impossible; for it was beyond the prerogative of the king, and lay only within the power of parliament. Virginia received no charter, nor any guarantee for her established constitution, except in the instructions to her governor. The confidence of loyalty was doomed to suffer heavy retribution; and, to satisfy the greediness of favourite courtiers, Virginia was dismembered by lavish grants, till at last the whole colony was given away for a generation, as recklessly as a man would give away a life-estate in a farm.

Meantime, Sir William Berkeley made use of his presence in England for his own account, and set the example of narrowing the limits of the province for which he acted, by embarking with Clarendon, and six other principal courtiers and statesmen of that day, in an immense speculation in lands. Berkeley, being about to return to America, was, perhaps, esteemed a convenient instrument. King Charles was caricatured in Holland, with a woman on each arm, and courtiers picking his pocket. This time they took whole provinces; the territory which they obtained, if divided among the eight, had given to each a tract as extensive as the kingdom of France.

To complete the picture of the territorial changes made by Charles II., it remains to be added, that, having given away the whole south, he enfeofed his brother with the country between Pemaquid and the St. Croix. The proprietary rights to New Hampshire and Maine were revived, with the intent to purchase them for the Duke of Monmouth. The fine country from Connecticut River to Delaware Bay, tenanted by nearly ten thousand souls, in spite of the charter to Winthrop, and the possession of the Dutch, was, like part of Maine, given to the Duke of York. The charter which secured a large and fertile province to William Penn, and thus invested philanthropy with executive power on the western bank of the Delaware, was a grant from Charles II.

After Philip's war in New England, Mount Hope was hardly rescued from a courtier, then famous as the author of two indifferent comedies. The grant of Nova Scotia to Sir Thomas Temple was not revoked, while, with the inconsistency of ignorance, Acadia, with indefinite boundaries, was restored to the French.

From the outer cape of Nova Scotia to Florida, with few exceptions, the tenure of every territory was changed. Nay, further, the trade with Africa—the link in the chain of universal commerce, that first joined Europe, Asia, and America together, and united the Caucasian, the Malay, and the Ethiopian races in indissoluble bonds—was given away to a company, which alone had the right of planting on the African coast. The frozen zone itself was invaded, and Prince Rupert and his associates were endowed with a monopoly of the regions on Hudson's Bay.

During the first four years of his power, Charles II. gave away a large part of a continent. Could he have continued as lavish, in the course of his reign he would have given away the world.

CHAPTER XII.

MASSACHUSETTS AND CHARLES II.

MASSACHUSETTS never enjoyed the favour of the restored government. The virtual independence which had been exercised for the last twenty years, was too dear to be hastily relinquished. The news of the restoration, brought by the ships in which Goffe and Whalley were passengers, was received with sceptical anxiety; and no notice was taken of the event. At the session of the general court in October, a motion for an address to the king did not succeed: affairs in England were still regarded as unsettled. At last it became certain that the hereditary family of kings had recovered its authority, and that swarms of enemies to the colony had gathered round the new government; a general court was convened, and addresses were prepared for the parliament and the monarch. These addresses have been censured as marked with Oriental adulation: (1) the spirit that breathes through them is republican; the language of hyperbole was borrowed from the manners of the East, so familiar from the study of the Hebrew Scriptures. By advice of the great majority of elders, no judgment was expressed on the execution of Charles I., and "the grievous confusions" of

(1) Ebeling, l. 954. Ebeling is rarely so uncharitable.

the past.(1) The colonists appealed to the king of England,(2) as "a king who had seen adversity, and who, having himself been an exile, knew the hearts of exiles." They prayed for "the continuance of civil and religious liberties," and requested against complaints an opportunity of defence. "Let not the king hear men's words,"—such was their petition;—"your servants are true men, fearing God and the king. We could not live without the public worship of God: that we might, therefore, enjoy divine worship without human mixtures, we, not without tears, departed from our country, kindred, and fathers' houses. Our garments are become old by reason of the very long journey; ourselves, who came away in our strength, are, many of us, become gray-headed, and some of us stooping for age." In return for the protection of their liberties, they promise the blessing of a people whose trust is in God.

At the same time, Leverett, the agent of the colony, was instructed to make interest in its behalf with members of parliament and the privy council; to intercede for its chartered liberties; to resist appeals to England, alike in cases civil or criminal. Some hope was entertained that the new government might be propitious to New England commerce, and renew the favours which the Long Parliament had conceded. But the Navigation Act had just been passed; and Massachusetts never gained an exemption from its severity till she ceased to demand it as a favour.

Meantime a treatise, which Eliot, the benevolent apostle of the Indians,—the same who had claimed for the people a voice even in making treaties,—had published in defence of the unmixed principles of popular freedom, was condemned, as too full of the seditious doctrines of democratic liberty; the single-minded author did not hesitate to
1661. suppress his book on "the Christian Commonwealth," and in guarded language to acknowledge the form of government by king, lords, and commons, as not only lawful, but eminent.(3)

A general expression of good-will from the king could not quiet the apprehensions of the colonists. The committee for the plantations had already surmised that Massachusetts would, if it dared, cast off its allegiance, and re-

(1) *Hutch. Coll.* 332: "It is doubted by the most," &c. *Elders' Advice.*

(2) *Ibid.* 325—329.

(3) *Hutchinson*, i. 195.

sort to an alliance with Spain, or to any desperate remedy, rather than admit of appeals to England. Upon this subject a controversy immediately arose; and the royal government resolved to establish the principle which the Long Parliament had waived.

It was therefore not without reason, that the colony foreboded collision with the crown; and after a full report from a numerous committee, of which Bradstreet, Hawthorne, Mather, and Norton, were members, the general court published a declaration of natural and chartered rights.

Their liberties under God and their patent they declare to be, "to choose their own governor, deputy-governor, and representatives; to admit freemen on terms to be prescribed at their own pleasure; to set up all sorts of officers, superior and inferior, and point out their power and places; to exercise, by their annually-elected magistrates and deputies, all power and authority, legislative, executive, and judicial; to defend themselves by force of arms against every aggression; and to reject, as an infringement of their right, any parliamentary or royal imposition, prejudicial to the country, and contrary to any just act of colonial legislation." The duties of allegiance were narrowed to a few points, which conferred neither profit nor substantial power on the mother country or its sovereign.

Thus the Puritan commonwealth joined issue with the king, by denying the right of appeal, and with the parliament, by declaring the Navigation Act an infringement of chartered rights. It was not till these long and careful preparations had been completed, that, more than a year after his restoration, Charles II. was acknowledged by public proclamation. We have seen how England welcomed his return; the magistrates of Massachusetts permitted no man to drink the king's health. A few formalities were coldly observed. The day that saw monarchy renewed on this side the Atlantic, was not esteemed a day of rejoicing.

The young republic had continued the exercise of its government as of right; complaints against her had multiplied; and her own interests, seconding the express orders of the monarch, induced her to send envoys to London. The country was divided in opinion: the large majority insisted on sustaining, with the charter, an inde-

pendent administration in undiminished force ; others were willing to make such concessions as would satisfy the ministry of Clarendon. The first party held the reins of government, and John Norton, an accomplished scholar and rigid Puritan, yet a friend to moderate counsels, was joined with the excellent Simon Bradstreet in the commission for England. They were instructed to persuade the king of the confiding loyalty of Massachusetts, and yet to suffer no appeals from the colony to his clemency or his consideration ; to propitiate the monarch, and yet to save the independence of the country. Conscious that they were sent on an impossible mission, the envoys embarked with great reluctance. Letters were at the same time transmitted to those of the English statesmen on whose friendship it was safe to rely.(1)

Whatever might have been the secret wishes or intentions in England, King Charles, aware of the spirit of the colonists, conscious of his own poverty and weakness, and ignorant of the numbers and strength of Massachusetts, received the messengers with courtesy ; and they returned in the fall with the royal answer, which probably originated with Clarendon. A confirmation of the charter was granted, and an amnesty of all offences during the late troubles was conditionally promised. But the king asserted his right to interfere in the domestic concerns of the colony ; he demanded a repeal of all laws derogatory to his authority ; the administration of the oath of allegiance ; the administration of justice in his name ; the complete toleration of the Church of England ; and a concession of the elective franchise to every inhabitant possessing a competent estate.

These requisitions seemed not wholly unreasonable in themselves ; the people of Massachusetts regarded, not so much the nature of the requisitions, as of the power which made the demand. The principle seemed to give to the monarch a virtual negative on their acts, and a power of reversing the judgments of their courts. The question of obedience was a question of liberty, and gave birth to the parties of prerogative and of freedom. Such is the origin of the parties which continued to divide Massachusetts till the establishment of actual independence.

The character of the times connected religious intolerance with the contest. Episcopacy and monarchy

(1) Hutch. Coll. 344—371.

were feared as natural allies: Anabaptists, also, were royalists; they had appeared before the ministry in England as plaintiffs against Massachusetts, and could boast of the special favour of Charles II. The principles of an enlightened toleration had been so rapidly gaining ground, that they had repeatedly possessed a majority in one branch of the legislature; but, now that Massachusetts was compelled to resume its opposition to monarchy, a censorship over the press was established; and the distrust of all dissension from the established forms of dissent, awakened once more the energies of religious bigotry. The representatives of Massachusetts, instead of complying with the wishes of the king, resolved only on measures conducive "to the glory of God, and to the felicity of his people;" that is, to a continuance of their religious institutions, and their democratic independence.

Meantime the people of Massachusetts were not ignorant how great dangers they incurred by refusing to comply with the demand of their sovereign. (1) False rumours were mingled with true reports, and assisted to incense the court at St. James's. Whalley and Goffe, it was currently asserted, were at the head of an army; (2) the union of the four New England colonies was believed to have had its origin in the express "purpose of throwing off dependence on England." (3) Sir Thomas Temple, Cromwell's governor of Acadia, had resided for years in New England, and now appeared as their advocate. "I assure you"—such was Clarendon's message to Massachusetts—"of my true love and friendship to your country; neither in your privileges, charter, government, nor church discipline, shall you receive any prejudice." (4) Yet the news was soon spread abroad, that commissioners would be appointed to regulate the affairs of New England; and at length there was room to believe that they had already embarked, and that ships of war would soon anchor in the harbour of Boston. (5)

Precautionary measures were promptly adopted. The

(1) Chalmers, 386.

(2) MS. letter of Sir T. Temple.

(3) MS. letter of commissioners to T. Prince, of Plymouth.

(4) Temple's MS. letter.

(5) The chief authorities are Hutchinson's Hist. i. c. ii. and Appendix; Hutch. Coll.; Danforth Papers, in Mass. Hist. Coll. xviii. Chalmers, c. xvi. There are many papers relating to this period in Hazard. Copious abstracts from the Records, and from the MS. State Papers of Massachusetts, have been most liberally furnished me by J. B. Felt.

patent was delivered to a committee of four, by whom it was to be kept safely and secretly for the country. To guard against danger from an armed force, officers and soldiers were forbidden to land from ships, except in small parties; and strict obedience to the laws of Massachusetts was required from them. In conformity to former usage, a day of fasting and prayer was appointed. The usage has been ridiculed. That age was an age of religious faith; every man was required to attend public worship. Not an individual, but the sick, was ordinarily absent; for, in those days, the mother took with her the nursing whom she could not leave. To appoint a day of fasting on a special occasion, was to call together, in their respective assemblies, every individual of the colony, and to engage the attention of the whole people to a single subject, under the sanction of the invisible presence of God. No mode of diffusing intelligence could equal this, which reached every man's ear. The whole public mind thus became excited, and its decisions known.

At length the fleet, equipped for the reduction of the Dutch settlements on the Hudson, arrived at Boston, bearing commissioners hostile to colonial liberties, and charged to investigate the manner in which the charters of New England had been exercised, "with full authority to provide for the peace of the country, according to the royal instructions, and their own discretion."

No exertion of power was immediately attempted; but the people of Massachusetts, from the first, descried the approach of tyranny. They feared discretion. They would never trust it to their own magistrates; and should they now submit to the discretion of strangers and enemies? The general court assembled to meet the danger; and measures of redress and prevention were devised.

It was agreed to levy two hundred men for the expected war against the Dutch; and this was done, although the services of the men were never required. But the commission was considered a flagrant violation of chartered rights. The inhabitants of Massachusetts had already adopted views which are now a part of the public opinion of the country, but which are not yet received into the system of international law. In regard to the obedience due to a government, they distinguished between natural obedience and voluntary subjection. *The child born on the soil of England is necessarily an*

English subject; but they held to the original right of expatriation; that every man may withdraw from the land of his birth, and renounce all duty of allegiance and all claim to protection. This they themselves had done. Remaining in England, they acknowledged the obligation of established law; because those laws were tolerable, they had emigrated to a new world, where they could all have organized their government, as men originally did, on the basis of natural rights, to perfect independence.

But it had seemed good to them to retain their connection with England; this connection they held to be voluntary; originally and solely established, and therefore exclusively defined, by the charter, which was the instrument of that voluntary subjection, and the existing compact connecting them with England. The right of England to the soil, under the pretence of discovery, they derided as a Popish doctrine, derived from Alexander VI.; and they pleaded, as of more avail, just occupation, and their purchase from the natives.

Such were the views by which they were animated, and, as the establishment of a commission with discretionary powers was not specially sanctioned by the charter, they resolved to resist the orders of the king, and nullify his commission. While, therefore, the fleet was engaged in reducing New York, Massachusetts published an order prohibiting complaints to the commissioners, and preparing a remonstrance, not against deeds of tyranny, but the menace of tyranny—not against what was wrong, but against a principle of wrong—thus adding to the troubles of King Charles II. :—

“Dread Sovereign,—The first undertakers of this colony did obtain a patent, wherein is granted full and absolute power of governing all the people of this colony, by men chosen from among themselves, and according to such laws as they should see meet to establish. A donation, under the great seal, is the greatest security that may be had in human affairs. Under the encouragement and security of the royal charter, this people did by their own charges, transport themselves, their wives and families, over the ocean, purchase the land of the natives, and plant this colony, with great labour, hazards, and difficulties; for a long time wrestling with the hardships of a wilderness, and the burdens of a new plant-

having also, now above thirty years, enjoyed the privilege of GOVERNMENT WITHIN THEMSELVES, as their undoubted right in the sight of God and man. To be governed by rulers of our own choosing and lawes of our own, is the fundamental privilege of our patent.

"A commission under the great seal, wherein four persons (one of them our professed enemy) are empowered to receive and determine all complaints and appeals according to their discretion, subjects us to the arbitrary power of strangers, and will end in the subversion of our all.

"If these things go on, your subjects here will either be forced to seeke new dwellings, or sink under intolerable burdens. The vigour of all new endeavours will be enfeebled; the king himself will be a loser of the wonted benefit by customs, exported and imported from hence into England, and this hopeful plantation will in the issue be ruined.

"If the aime should be to gratify some particular gentlemen by livings and revenues here, that will also fail, for the poverty of the people. If all the charges of the whole government by the year were put together, and then doubled or trebled, it would not be counted for one of those gentlemen a considerable accommodation. To a coalition in this course, the people will never come; and it will be hard to find another people that will stand under any considerable burden in this country, seeing it is not a country where men can subsist without hard labour and great frugality.

"God knows, our greatest ambition is to live a quiet life, in a corner of the world. We came not into this wilderness to seek great things to ourselves; and if any come after us to seeke them heere, they will be disappointed. We keep ourselves within our line; a just dependence upon, and subjection to, your majestie, according to our charter, it is far from our hearts to disacknowledge. We would gladly do any thing within our power to purchase the continuance of your favourable aspect. But it is a great unhappiness to have no testimony of our loyalty offered but this, to yield up our liberties, which are far dearer to us than our lives, and which we have willingly ventured our lives, and passed through many deaths, to obtain.

"It was Job's excellency, when he sat as king among his people, that he was a father to the poor. A poor

people, destitute of outward favour, wealth, and power, now cry unto their lord the king. May your majestie regard their cause, and maintain their right; it will stand among the marks of lasting honour to after generations."

The spirit of the people corresponded with this address. Did any appear to pay court to the commissioners, they became objects of derision. Even the writing to the king and chancellor was not held to be a duty; the compact by the charter required only the payment to the king of one-fifth of all gold and silver ore; this was an obligation; any notice of the king beyond this was only by way of civility.⁽¹⁾ It was also hoped to weary the English government by a tedious correspondence; which might be continued till a new revolution. "For who knows," it was said, "but there may be a new revolution in England?" It is sometimes difficult to distinguish the instinct of fanaticism from the soundest judgment; fanaticism is sometimes of the keenest sagacity. There were many in New England who confidently expected a revival of liberty after the restoration, and what was called "the slaying of the witnesses." "Who knows," it was asked, "what the event of this Dutch war will be?" The establishment of arbitrary power would bring arbitrary taxation in its train, for the advantage of greedy courtiers. A report was spread, that Massachusetts was to yield a revenue of five thousand pounds yearly for the king. Public meetings or the people were held; the brave and liberal Hawthorne, at the head of a company of train-bands, made a speech which royalists deemed "seditious;" and the inflexible Endicott, just as the last sands of life were running out, addressed the people at their meeting-house in Boston. Charles II. had written to the colony against Endicott, as a person not well affected, and desired that some other person might be chosen governor in his stead; but Endicott, who did not survive till the day of election, retained his office till the King of Kings summoned him from the world. The aged Davenport was equally unbending. "The commission," said he from New Haven, "is but a tryal of our courage: the Lord will be with his people while they are with him. If you consent to this court of appeals, you pluck down with your own hands the house which wisdom has built for you and your posterity."

(1) Hutch. Coll. 420.

The elections in the spring of 1665 proceeded with great quiet; the people firmly sustained the government. Meantime, letters of entreaty had been sent to Robert 1664. Boyle and the Earl of Manchester; for, from the days of Southampton and Sandys, of Warwick and Say, to those of Burke and Chatham, America was not entirely destitute of friends in England. But none of them would perceive the reasonableness of complaining against an abstract principle. "We are all amazed," wrote 1665. Clarendon,—who, says Robert Boyle, was no enemy to Massachusetts;—"you demand a revocation of the commission, without charging the commissioners with the least matter of crimes or exorbitances." Boyle echoed the astonishment: "The commissioners are not accused of one harmful thing, even in your private letters." The statesmen of that day in Massachusetts were more wise, and understood the doctrine of liberty better than the Chancellor of England. A century later, and there were none in England who did not esteem the commission an unconstitutional usurpation.(1)

To Connecticut, the controversy of Massachusetts 1664. with the commissioners was fraught with beneficial results. It facilitated the entire union of the two colonies of Hartford and New Haven; and, as the commissioners were desirous to make friends in the other colonies, they avoided all angry collisions, gave no countenance to a claim advanced by the Duke of Hamilton to a large tract of territory in the colony; and, in arranging the limits of New York, though the charter of Clarendon's son-in-law extended to the river Connecticut, they established the boundary, on the main, in conformity with the claims of Connecticut itself. Long Island went to the Duke of York. Satisfied with the harmony which they had secured by attempting nothing but for the interests of the colony, the commissioners saw fit to praise to the monarch "the dutifulness and obedience of Connecticut," which was "set off with the more lustre by the contrary deportment of Massachusetts."

We shall soon have occasion to narrate the events in which Nichols was engaged at New York, where he remained. Carr, Cartwright, and Maverick, the other 1665. commissioners, returning to Massachusetts, desired that, at the next general election-day, the whole male

(1) Boyle, in *Mass. Hist. Coll.* xviii. Chalmers.

population might be assembled in Boston, to hear the message from the king. The absurd proposal was rejected. "He that will not attend to the request," said Cartwright "is a traitor."

The nature of the government of Rhode Island, its habitual policy, of relying on England for protection, secured to the royal agents in that province a less favourable reception. Plymouth,⁽¹⁾ the weakest colony of all, stood firm for its independence; although the commissioners, flattering the long-cherished hopes of the inhabitants, had promised them a charter if they would but set an example of compliance, and allow the king to select their governor from among three candidates, whom they themselves should nominate. The general assembly, after due consideration, "with many thanks to the commissioners, and great protestations of loyalty to the king," "chose to be as they were." The people of Plymouth at that time were so poor "they could not maintain scholars to their ministers;" but in some places made use of "a guifted brother;" but the brethren were as "guifted" in the nature of liberty as in religion.

If Plymouth could not be blinded by the dazzling prospect of a charter, there was no room to expect success in Massachusetts. The conference between the two parties degenerated into an altercation. "It is insufferable," said the government, "that the colony should be brought to the bar of a tribunal unknown to its charter." At length it was directly asked, "Do you acknowledge his Majesty's commission?" The colony declined giving a direct answer, and chose rather to plead his Majesty's charter.

Tired of discussion, the commissioners resolved to act; and declared their intention of holding a court to decide a cause in which the colony was cited to appear as defendant. The general court forbade the procedure. The commissioners refused to recede; the morning for the trial dawned; the parties had been summoned; the commissioners were preparing to proceed with the cause, when, by order of the court, a herald stepped forth, and, having sounded the trumpet with due solemnity, made a public proclamation, in the name of the king, and by authority of the charter, declaring to all the people of the colony, that, in observance of their duty to God, to the king, and

(1) Morton and Davis, 310, &c., and 417, &c.

to their constituents, the general court could not suffer any to abet his Majesty's honourable commissioners in their proceedings.

Some extraordinary form of publicity was thought necessary, to give validity to the remonstrance. The herald sounded the trumpet in three several places, and repeated publicly his proclamation. We may smile at this solitary imitation of a feudal ceremony. Yet when had the voice of a herald proclaimed the approach of so momentous a contest? It was not merely a struggle of the general court and the commissioners; nor yet of Charles II. and Massachusetts; it was a still more momentous combat—the dawning strife of the new system against the old system, of American politics against European politics.

The commissioners could only wonder that the arguments of the king, his chancellor, and his secretary, could not convince the government of Massachusetts. "Since you will misconstrue our endeavours," said they, "we shall not lose more of our labours upon you;" and so they retreated to the north. There they endeavoured to inquire into the bounds of New Hampshire and Maine, and to prepare for the restoration of proprietary claims. Massachusetts was again equally active and fearless; its governor and council forbade the towns on the Piscataqua to meet, or in anything to obey the commission, at their utmost peril.(1)

In Maine, the temper of the people was more favourable to royalty; they preferred the immediate protection of the king to an incorporation with Massachusetts, or a subjection to the heir of Gorges; and the commissioners, setting aside the officers appointed by Massachusetts, and neglecting the pretensions of Gorges, issued commissions to persons of their selection to govern the district. There were not wanting those who, in spite of threats, openly expressed fears of "the sad contentions" that would follow, and acknowledged that their connection with Massachusetts had been favourable to their prosperity. Secure in the support of a resolute minority, the Puritan commonwealth, soon after the departure of the commissioners, entered the province, and again established its authority by force of arms. Great tumults ensued; many persons, opposed to what seemed a usurpation, were punished for "irreverent speeches;" some even reproached

(1) Hutch. Coll. 419.

the authorities of Massachusetts "as traitors and rebels against the king;" (1) but the usurpers made good their ascendancy till Gorges recovered his claims by adjudication in England. From the southern limit of Massachusetts to the Kennebeck, the colonial government maintained its independent jurisdiction. The agents of the king left no trace of their presence. Having been recalled, they retired in angry petulance, threatening the disloyal with retribution and the gallows.

The frowardness of Massachusetts was visited by proofs from the English monarch; to whom it was well known that "the people of that colony affirmed his Majesty had no jurisdiction over them." (2) It was resolved to transfer the scene of negotiations to England, when

1666. Bellingham and Hawthorne were, by a royal mandate, expressly commanded, on their allegiance, to attend with two or three others, whom the magistrates of Massachusetts were to appoint as their colleagues. Till the final decision of the claims of Gorges, the government of Maine was to continue as the commissioners had left it.

The general court was to execute such commands as exceeded the powers of the magistrates; the general court was therefore convened to consider the letter from the king. The morning of the second day was spent in prayer; six elders prayed. The next day, after a lecture, some debate was had; and petitions, proposing compliance with the king, were afterwards forwarded from Boston, Salem, Ipswich, and Newbury. "Let some regular way be propounded for the debate," said Bellingham, the governor, a man who emphatically hated a bribe.—"The king's prerogative gives him power to command our appearance," said the moderate Bradstreet; "before God and men we are to obey."—"You may have a trial at law," insinuated an artful royalist; "when you come to England, you may insist upon it and claim it."—"We must as well consider God's displeasure as the king's," retorted Willoughby; "the interest of ourselves and of God's things, as his Majesty's prerogative; for our liberties are of concernment, and to be regarded as to the preservation; for if the king may send for me now, and another to-morrow, we are a miserable people."—"Prerogative is as necessary as law," rejoined the royalist, who

(1) Extracts from records communicated by George Folsom.

(2) Hutchinson's History, i. App. xix.

perhaps looked to the English court as an avenue to distinction.—“Prerogative is not above law,” said the inflexible Hawthorne, ever the advocate of popular liberty.(1) After much argument, obedience was refused. “We have already”—such was the reply of the general court—“furnished our views in writing, so that the ablest persons among us could not declare our case more fully.”

This decision of disobedience was made at a time when the ambition of Louis XIV. of France, eager to grasp at the Spanish Netherlands, and united with De Witt by a treaty of partition, had, in consequence of his Dutch alliance, declared war against England. It was on this occasion, that the idea of the conquest of Canada was first distinctly proposed to New England. It was proposed only to be rejected as impossible. “A land march of four hundred miles, over rocky mountains and howling deserts,” was too terrible an obstacle. But Boston equipped several privateers, and not without success.(2)

At the same time, colonial loyalty did not content itself with barren professions; it sent provisions to the English fleet in the West Indies; and to the navy in England, a ship-load of masts; “a blessing, mighty unexpected, and but for which,” adds Pepys,(3) “we must have failed the next year.”

The daring defiance of Massachusetts was not followed by immediate danger. The ministry of Clarendon was fallen, and he himself was become an exile; and profligate libertines had not only gained the confidence of the king's mistresses, but places in the royal cabinet. While Charles II. was dallying with women, and robbing the theatre of actresses—while the licentious Buckingham, who had succeeded in displacing Clarendon, wasted the vigour of his mind and body by indulging in every sensual pleasure “which nature could desire or wit invent”—while Louis XIV. was gaining influence in the English cabinet, by bribing the mistress of the chief of the king's cabal—England remained without a good government, and the colonies flourished in purity and peace. The English ministry dared not interfere with Massachusetts; it was right that the stern virtues of the ascetic

(1) *Mass. Hist. Coll.* xviii. 98.(2) *Ibid.* 109.(3) *Pepys*, i. 489.

republicans should have intimidated the members of the profligate cabinet. The affairs of New England were often discussed: but the privy council was overawed by the moral dignity which they could not comprehend. There were great debates, in which the king (1) took part, "in what style to write to New England." Charles himself commended this affair more expressly, because "the colony was rich and strong; able to contest with all other plantations about them;" "there is fear," said the monarch, "of their breaking from all dependence on this nation." "Some of the council proposed a menacing letter, which those who better understood the peevish and touchy humour of that colonie were utterly against." After many days, it was concluded,(2) "that, if any, it should be only a conciliating paper at first, or civil letter; for it was understood they were a people almost upon the very brink of renouncing any dependence upon the crown." "Information of the present face of things was desired," and Cartwright, one of the commissioners, was summoned before the council, to give "a relation of that country;"(3) but such was the picture that he drew, the council were more intimidated than ever, so that nothing was recommended beyond "a letter of amnesty." By degrees, it was proposed to send a deputy to New England, under the pretext of adjusting boundaries, but "with secret instructions to inform the council of the condition of New England; and whether they were of such power as to be able to resist his Majesty, and declare for themselves, as independent of the crown." Their strength was reported to be the cause "which of late years made them refractory." (4) What need of many words? The king was taken up by "the childish, simple, and baby-face," of a new favourite;(5) and his traffic of the honour and independence of England to the king of France. The Duke of Buckingham, now in mighty favour, was revelling with a luxurious and abandoned rout, having with him the impudent Countess of Shrewsbury, and his band of fiddlers; and the discussions at the council about New England, were, for the present, as fruitless as the inquiries how nutmegs and cinnamon might be naturalized in Jamaica.

Massachusetts prospered by the neglect. "It is," said Sir

(1) Evelyn, ii. 343.

(2) Ibid. 344.

(3) Ibid. 345.

(4) Ibid. 346; see, also, 358.

(5) Ibid. 352, 355.

Joshua Child, in his discourse on trade, "the most prejudicial plantation of Great Britain; the frugality, industry, and temperance of its people, and the happiness of their laws and institutions, promise them long life, and a wonderful increase of people, riches, and power." They enjoyed the blessings of self-government and virtual independence. The villages of New England were already the traveller's admiration; the acts of navigation were not regarded; no custom-house was established. Massachusetts, which now stretched to the Kennebeck, possessed a widely-extended trade: acting as the carrier for nearly all the colonies, and sending its ships into the most various climes. Vessels from Spain and Italy, from France and Holland, might be seen in Boston harbour, commerce began to pour out wealth on the colonists. A generous nature employed wealth liberally: after the great fire in London, even the miserable in the mother-country had received large contributions. It shows the character of the people, that the town of Portsmouth agreed for seven years to give sixty pounds a year to the college, which shared in the prosperity of Boston, and continued to afford "schismatics to the church;" while the colony was reputed to abound in "rebels to the king." Villages extended; prosperity was universal. Beggary was unknown; theft was rare. If "strange new fashions" prevailed among "the younger sort of women," if "superfluous ribbons" were worn on their apparel, at least "musicians by trade, and dancing-schools," were not fostered. It was still remembered that the people were led into the wilderness by Aaron, not less than by Moses; and, in spite of the increasing spirit of inquiry and toleration, it was resolved to retain the congregational churches "in their purest and most athletick constitution." (1)

Amidst the calmness of such prosperity, many of the patriarchs of the colony,—the hospitable, sincere, but per-
 1667. secuting Wilson; the uncompromising Davenport,
 1670. ever zealous for Calvinism, and zealous for independence, who founded New Haven on a rock, and, having at first preached beneath the shade of a forest
 1671. tree, now lived to behold the country full of conve-
 1672. nient churches; the tolerant Willoughby, who had pleaded for the Baptists; the incorruptible Bellingham.

(1) Hutchinson, i. 251.

precise in his manners, and rigid in his principles of independence;—these, and others, the fathers of the people, lay down in peace, closing a career of virtue in the placid calmness of hope, and lamenting nothing so much as that their career was finished too soon for them to witness the fulness of New England's glory.

This prosperity itself portended danger; for the increase of the English alarmed the race of red men, who could not change their habits, and who saw themselves deprived of their usual means of subsistence. It is difficult to form exact opinions on the population of the several colonies in this earlier period of their history; the colonial accounts are incomplete; and those which were furnished by emissaries from England are extravagantly false.⁽¹⁾ Perhaps no great error will be committed, if we suppose the white population of New England, in 1675, to have been fifty-five thousand souls. Of these, Plymouth may have contained not many less than seven thousand; Connecticut, nearly fourteen thousand; Massachusetts^{1675.} proper, more than twenty-two thousand; and Maine, New Hampshire, and Rhode Island, each perhaps four thousand. The settlements were chiefly agricultural communities, planted near the sea-side, from New Haven to Pemaquid. The beaver-trade, even more than traffic in lumber and fish, had produced the villages beyond the Piscataqua; yet in Maine, as in New Hampshire, there was "a great trade in deal boards." Most of the towns were insulated settlements near the ocean, on rivers, which were employed to drive "the saw-mills," then described as a "late invention;" and cultivation had not extended far into the interior. Haverhill, on the Merrimack, was a frontier town; from Connecticut, emigrants had ascended as far as the rich meadows of Deerfield and Northfield: but to the west, Berkshire was a wilderness; Westfield was the remotest plantation. Between the towns on Connecticut River and the cluster of towns near Massachusetts Bay, Lancaster and Brookfield were the solitary abodes of Christians in the desert. The government of Massachusetts extended to the Kennebeck,⁽²⁾ and included more than half the population of New

(1) The account in Hutch. Coll. 484, has been very often repeated. It is worthless. The population and wealth of the country are described in hyperboles, that there may be the greater opportunity for obtaining revenues from the colonists.

(2) Hazard, ii. 511.

England; the confederacy of the colonies had also been renewed, in anticipation of dangers.

The number of the Indians of that day hardly amounted to thirty thousand in all New England west of the St. Croix. Of these, perhaps about five thousand dwelt in the territory of Maine; New Hampshire may have hardly contained three thousand; and Massachusetts, with Plymouth, never from the first peopled by many Indians, seems to have had less than eight thousand. In Connecticut and Rhode Island, never depopulated by wasting sickness, the Mohegans, the Narragansetts, the Pokanokets, and kindred tribes, had multiplied their villages round the sea-shore, the inlets, and the larger ponds, which increased their scanty supplies by furnishing abundance of fish. Yet, of these, the exaggerated estimates melt away, when subjected to criticism. To Connecticut, rumour, in the days of the elder Winthrop, gave three or four thousand warrior Indians; and there may have been half of the larger number: the Narragansetts, like so many other tribes, boasted of their former grandeur, but they could not bring into action a thousand bowmen. Thus, therefore, west of the Piscataqua, there were probably about fifty thousand whites, and hardly twenty-five thousand Indians; while, east of the same stream, there were about four thousand whites, and perhaps more than that number of red men.

A sincere attempt had been made to convert the natives, and win them to the regular industry of civilized life. The ministers of the early emigration were fired with a zeal as pure as it was fervent; they longed to redeem these "wrecks of humanity," by planting in their hearts the seeds of conscious virtue, and gathering them into permanent villages.

No pains were spared to teach them to read and write; and, in a short time, a larger proportion of the Massachusetts Indians could do so, than recently of the inhabitants of Russia. Some of them spoke and wrote English tolerably well. Foremost among these early missionaries—the morning star of missionary enterprise—was John Eliot, whose benevolence almost amounted to the inspiration of genius. An Indian grammar was a pledge of his earnestness; the pledge was redeemed by his preparing and publishing a translation of the whole Bible into the *Massachusetts* dialect. His actions, his thoughts, his

desires, all wore the hues of disinterested love. His uncontrollable charity welled out in a perpetual fountain.

Eliot mixed with the Indians. He spoke to them of God, and of the soul, and explained the virtues of self-denial. He became their lawgiver. He taught the women to spin, the men to dig the ground; he established for them simple forms of government; and, in spite of menaces from their priests and chieftains, he instructed them in his own religious faith, and not without success. Groups of Indians used to gather round him as round a father, and, now that their minds were awakened to reflection, often perplexed him with their questions. The minds of the philosopher and the savage are not so wide apart as is often imagined, they both alike find it difficult to solve the problem of existence. The world is divided between materialists and spiritualists. "What is a spirit?" said the Indians of Massachusetts to their apostle. "Can the soul be enclosed in iron so that it cannot escape?"—"When Christ arose, whence came his soul?" Every clan had some vague conceptions of immortality.⁽¹⁾ "Shall I know you in heaven?" said an inquiring red man. "Our little children have not sinned; when they die, whither do they go?"—"When such die as never heard of Christ, where do they go?"—"Do they in heaven dwell in houses, and what do they do?"—"Do they know things done here on earth?" The origin of moral evil has engaged the minds of the most subtle. "Why," demanded the natives on the banks of the Charles, "why did not God give all men good hearts?"—"Since God is all-powerful, why did not God kill the devil, that made men so bad?" Of themselves they fell into the mazes of fixed decrees and free will. "Doth God know who shall repent and believe, and who not?" The statesman might have hesitated in his answers to some problems. The ballot-box was to them a mystery. "When you choose magistrates, how do you know who are good men, whom you dare trust?" And again, "If a man be wise, and his sachem weak, must he yet obey him?" Cases of casuistry occurred: I will cite but two, one of which, at least, cannot easily be decided. Eliot preached against polygamy. "Suppose a man, before he knew God," inquired a convert, "hath had two wives; the first childless, the second bearing him many sweet children,

(1) Day-breaking, if not Sun-rising, of the Gospel, 7.

whom he exceedingly loves ; which of these two wives is he to put away ?” And the question which Kotzebue proposed in a fiction, that has found its way across the globe, was in real life put to the pure-minded Eliot, among the wigwams of Nonantum. “ Suppose a squaw desert and flee from her husband, and live with another distant Indian, till, hearing the Word, she repents, and desires to come again to her husband, who remains still unmarried ; shall the husband, upon her repentance, receive her again ? ” The poet of civilization tells us, that happiness is the end of our being. “ How shall I find happiness ? ” demanded the savage.(1) And Eliot was never tired with this importunity ; the spirit of humanity sustained him to the last ; his zeal was not wearied by the hereditary idleness of the race ; and his simplicity of life and manners, and evangelical sweetness of temper, won for him all hearts, whether in the villages of the emigrants, or “ the smoky cells ” of the natives.

Nor was Eliot alone. In the islands round Massachusetts, and within the limits of the Plymouth patent, missionary zeal and charity were active ; and “ that young New England scholar,” the gentle Mayhew, forgetting the pride of learning, endeavoured to win the natives to a new religion. At a later day, he took passage for England to awaken interest there ; and the ship in which he sailed was never more heard of. But such had been the force of his example, that his father, though bowed down by the weight of seventy years, resolved on assuming the office of the son whom he had lost, and, till beyond the age of fourscore years and twelve, continued to instruct the natives of the isles ; and with the happiest results. The Indians within his influence, though twenty times more numerous than the whites in their immediate neighbourhood, preserved an immutable friendship with Massachusetts.(2)

Thus churches were gathered among the heathen ; villages of “ praying Indians ” established ; at Cambridge, an Indian actually became a bachelor of arts. Yet Christianity hardly spread beyond the Indians on Cape

(1) Day-breaking, &c. 18. Clear Sunshine of the Gospel, 13, 24, 33, 34. Glorious Progress, 20. The Light appearing more and more, 25, 26, 27, 29, 30. See the tracts collected in Mass. Hist. Coll. xxiv.

(2) See Mayhew's Indian Converts, and, at the end of it, T. Prince's Account of English Ministers, &c. &c. Compare Neal's N. E. ; Mather, b. vi. c. vi. ; Gookin's Praying Indians, MS.

Cod, Martha's Vineyard, and Nantucket, and the seven feeble villages round Boston. The Narragansetts, a powerful tribe, counting at least a thousand warriors,(1) hemmed in between Connecticut and Plymouth, restless and jealous, retained their old belief; and Philip of Pokanoket, at the head of seven hundred warriors, professed with pride the faith of his fathers.

But Philip of Pokanoket, and the tribes that owned his influence, were now shut in by the gathering plantations of the English, and were the first to awaken to a sense of the danger of extermination. True, the inhabitants of New England had never, except in the territory of the Pequods, taken possession of a foot(2) of land without first obtaining a title from the Indians. But the unlettered savage, who repented the alienation of vast tracts, by affixing a shapeless mark to a bond, might deem the English tenure defeasible. Again: by repeated treaties, the red man had acknowledged the jurisdiction of the English, who claimed a guardianship over the Indian, and really endeavoured in their courts, with scrupulous justice, and even with favour, to protect him from fraud, and to avenge his wrongs. But the wild inhabitants of the woods or the sea-shore could not understand the duty of allegiance to an unknown sovereign, or acknowledge the binding force of a political compact; crowded by hated neighbours, losing fields and hunting-grounds, and frequently summoned to Boston or Plymouth, to reply to an accusation, or to explain their purposes, they sighed for the forest freedom, which was to them more dear than constitutional liberties to the civilized, and which had been handed down to them from immemorial ages.

The clans within the limits of the denser settlements of the English, especially the Indian villages round Boston, were broken-spirited, from the overwhelming force of the English. In their rude blending of new instructions with their ancient superstitions—in their feeble imitations of the manners of civilization—in their appeals to the charities of Europeans, they had quenched the fierce spirit of savage independence. They loved the crumbs from the white man's table.

But the Pokanokets had always rejected the Christian faith and the Christian manners; and Massasoit had de-

(1) Gookin says a thousand; others more.

(2) Winslow, in Hubbard's Indian Wars, 55.

sired to insert in a treaty,(1) what the Puritans never permitted, that the English should never attempt to convert the warriors of his tribe from the religion of their race. The aged Massasoit—he who had welcomed the Pilgrims to the soil of New England, and had opened his cabin to shelter the founder of Rhode Island—now slept with his fathers; and his son, Philip of Pokanoket, had succeeded him as chief over allied tribes. Repeated sales of land had narrowed their domains; and the English had artfully crowded them into the tongues of land, as “most suitable and convenient for them.”(2) There they could be more easily watched; for the frontiers of the narrow peninsulas were inconsiderable. Thus the two chiefseats of the Pokanokets were the necks of land which we now call Bristol and Tiverton. As population pressed upon other savages, the west was open; but as the English villages drew nearer and nearer to them, their hunting-grounds were put under culture; and as the ever-urgent importunity of the English was quieted but for a season by partial concessions from the unwary Indians, their natural parks were turned into pastures; their best fields for planting corn were gradually alienated; their fisheries were impaired by more skilful methods; and, as wave after wave succeeded, they found themselves deprived of their broad acres, and, by their own legal contracts, driven as it were into the sea.

Collisions and mutual distrust were the necessary consequence. I can find no evidence of a deliberate conspiracy on the part of all the tribes. The commencement of war was accidental; many of the Indians were in a maze, not knowing what to do, and ready to stand for the English; (3) sure proof of no ripened conspiracy. But to many tribes there were common griefs; they had the same recollections, and the same fears; and, when they met, could not but complain of their common lot. When the young warriors came together, how could they fail to regret the ancient domains of their fathers? Their haughty spirit spurned the English claim of jurisdiction; and they were indignant that Indian chiefs or warriors should be arraigned before a jury. And what, in their eyes, were paper deeds, the seals and signatures of which they could not comprehend the binding force? And when the ex-

(1) Hubbard, 47.

(2) Winslow avows the policy.

(3) Hubbard, 56.

pressions of common passion were repeated by an Indian talebearer, fear magnified the plans of the tribes into an organized scheme of resistance.

The haughty chieftain, who had once before been compelled to surrender his "English arms," and pay an onerous tribute, was summoned to submit to an examination, and could not escape suspicion. The wrath of his tribe was roused, and the informer was murdered. The murderers in their turn were identified, seized, tried by a jury, of which one half were Indians, and, on conviction, were hanged. The young men of the tribe panted for revenge; without delay eight or nine of the English were slain in or about Swansea; and the alarm of war spread through the colonies.

Thus was Philip hurried into "his rebellion;" and he is reported to have wept(1) as he heard that a white man's blood had been shed.(2) He had kept his men about him in arms, and had welcomed every stranger; and now, against his judgment and his will, he was involved in war. For what prospect had he of success? Destiny had marked him and his tribe. The English were united; the Indians had no alliance;—the English made a common cause; half the Indians were allies of the English, or were quiet spectators of the fight;—the English had guns enough; but few of the Indians were well armed, and they could get no new supplies;—the English had towns for their shelter and safe retreat: the miserable wigwams of the natives were defenceless;—the English had sure supplies of food; the Indians might easily lose their precarious stores. The individual, growing giddy by danger, rushes, as it were, towards his fate; so did the Indians of New England. Frenzy prompted their rising. It was but the storm in which the ancient inhabitants of the land were to vanish away. They rose without hope, and, therefore, they fought without mercy. For them, as a nation, there was no to-morrow.

(1) Callender's Century Sermon.

(2) The authorities on King Philip's war are, *Present State of N. E.*, and four other Tracts, first published in 1675 and 1676, and now, in 1833 and 1836, reprinted by S. G. Drake; Increase Mather's *Hist. of Troubles with the Indians*; Hubbard's *Indian Wars*; Church's *Hist. of King Philip's War*; Records of United Colonies, in Hazard, vol. ii.; Anne Rowlandson's *Captivity*; Wheeler's *Narrative*, in New Hamp. Hist. Coll. ii. 5, &c.; Gookin, in 1 Mass. Hist. Coll. i. 148, &c.; Massachusetts Records and Files. Add Callender's Century Sermon; the important notes of Davis on Morton.

The minds of the English were appalled by the horrors of the impending conflict, and superstition indulged in its wild inventions. At the time of the eclipse of the moon, you might have seen the figure of an Indian scalp imprinted on the centre of its disk. The perfect form of an Indian bow appeared in the sky. The sighing of the wind was like the whistling of bullets. Some distinctly heard invisible troops of horses gallop through the air, while others found the prophecy of calamities in the howling of the wolves.(1)

At the very beginning of danger, the colonists exerted their wonted energy. Volunteers from Massachusetts joined the troops from Plymouth; and within a week from the commencement of hostilities, the insulated Pokanokets were driven from Mount Hope, and in less than a month Philip was a fugitive among the Nipmucks, the interior tribes of Massachusetts. The little army of the colonists then entered the territory of the Narragansetts, and from the reluctant tribe extorted a treaty of neutrality, with a promise to deliver up every hostile Indian. Victory seemed promptly assured. But it was only the commencement of horrors. Canonchet, the chief sachem of the Narragansetts, was the son of Miantonomoh; and could he forget his father's wrongs? And would the tribes of New England permit the nation that had first given a welcome to the English to perish unavenged? Desolation extended along the whole frontier. Banished from his patrimony, where the pilgrims found a friend, and from his cabin, which had sheltered the exiles, Philip, with his warriors, spread through the country, awakening their brethren to a warfare of extermination.

The war, on the part of the Indians, was one of ambushes and surprises. They never once met the English in open field; but always, even if eightfold in numbers, fled timorously before infantry. But they were secret as beasts of prey, skilful marksmen, and in part provided with fire-arms, fleet of foot, conversant with all the paths of the forest, patient of fatigue, and mad with a passion for rapine, vengeance, and destruction, retreating into swamps for their fastnesses, or hiding in the greenwood thickets, where the leaves muffled the eyes of the pursuer. By the rapidity of their descent, they seemed omnipresent among the scattered villages, which they ravaged like a

(1) C. Mather, ii. 486. I. Mather, 34. Hubbard, 120.

passing storm; and for a full year they kept all New England in a state of terror and excitement. The exploring party was waylaid and cut off, and the mangled carcasses and disjointed limbs of the dead were hung upon the trees to terrify pursuers. The labourer in the field, the reapers as they went forth to the harvest, men as they went to mill, the shepherd's boy among the sheep, was shot down by skulking foes, whose approach was invisible. Who can tell the heavy hours of woman? The mother if left alone in the house, feared the tomahawk for herself and children; on the sudden attack, the husband would fly with one child, the wife with another, and, perhaps, one only escape; the village cavalcade, making its way on meeting on Sunday, in files on horseback, the farmer holding the bridle in one hand, and a child in the other, his wife seated on a pillion behind him, it may be with a child in her lap, as was the fashion in those days, could not proceed safely; but, at the moment when least expected, bullets would whiz amongst them, discharged with fatal aim from an ambuscade by the way-side. The forest, that protected the ambush of the Indians, secured their retreat. They hung upon the skirts of the English villages "like the lightning on the edge of the clouds." (1)

What need of repeating the same tale of horror? Brookfield was set on fire, and rescued only to be abandoned; Deerfield was burned; Hadley, surprised during a time of religious service, was saved only by the daring of Goffe, the regicide, now bowed with years, a heavenly messenger of rescue, who darted from his hiding-place, rallied the disheartened, and, having achieved a safe defence, slunk away into his retirement, to be no more seen. The plains of Northfield were wet with the blood of Beers, and twenty of his valiant associates. As Lathrop's company of young men, the very flower of the young men of Essex, all "culled" out of the towns of that county, were conveying the harvests of Deerfield to the lower towns, they were suddenly surrounded by a horde of Indians; and, as each party fought from behind trees, the victory was with the far more numerous savages. Hardly a white man escaped; the little stream that winds through the tranquil scene, by its name of blood, commemorates the massacre of that day. (2) Springfield was burned, and

(1) Washington Irving.

(2) See the names in note to E. Everett's Address at Bloody Brook, 37.

Hadley once more assaulted. The remoter villages were deserted; the pleasant residences, that had been won by hard toil in the desert, the stations of civilization in the wilderness, were laid waste.

But the English were not the only sufferers. In winter, it was the custom of the natives to dwell together in their wigwams; in spring, they would be dispersed through the woods. In winter, the warriors who had spread misery through the west, were sheltered among the Narragansetts; in spring, they would renew their devastations. In winter, the absence of foliage made the forests less dangerous; in spring, every bush would be a hiding-place. It was resolved to regard the Narragansetts as enemies; and a little before the winter solstice, a thousand men, levied by the united colonies, and commanded by the brave Josiah Winslow, a native of New England, invaded their territory. After a night spent in the open air, they waded through the snow from daybreak till an hour after noon; and at last reached the cluster of wigwams which a fort protected. Davenport, Gardner, Johnson, Gallop, Siely, Marshall, led their companies through the narrow entrance in the face of death, and left their lives as a testimony to their patriotism and courage. Feeble palisades could not check the determined valour of the white men; and the group of Indian cabins was soon set on fire. Thus were swept away the humble glories of the Narragansetts; the winter's stores of the tribe, their curiously-wrought baskets, full of corn, their famous strings of wampum, their wigwams nicely lined with mats,—all the little comforts of savage life were consumed. And more—their old men, their women, their babes, perished by hundreds in the fire.

Then, indeed, was the cup of misery full for these 1676. red men. Without shelter and without food, they hid themselves in a cedar swamp, with no defence against the cold but boughs of evergreen trees. They prowled the forests and pawed up the snow, to gather nuts and acorns; they dug the earth for ground-nuts; they ate remnants of horse-flesh as a luxury; they sunk down from feebleness and want of food. Winter and famine, and disease consequent on vile diet, were the allies of the English; while the English troops, after much severe suffering, found their way to firesides.

The spirit of Canonchet did not droop under the dis-

asters of his tribe. "We will fight to the last man," said the gallant chieftain, "rather than become servants to the English." Taken prisoner at last, near the Blackstone, a young man began to question him. "Child," replied he, "you do not understand war; I will answer your chief." His life was offered him, if he would procure a treaty of peace; he refused the offer with disdain. "I know," added he, "the Indians will not yield." Condemned to death, he only answered, "I like it well; I shall die before I speak anything unworthy of myself."

Meantime the Indian warriors were not idle. "We will fight," said they, "these twenty years; you have houses, barns, and corn; we have now nothing to lose;" and one town in Massachusetts after another—Lancaster, Medfield, Weymouth, Groton, Marlborough—were laid in ashes.

Nowhere was there more distress than at Lancaster. Forty-two persons sought shelter under the roof of Mary Rowlandson; and, after a hot assault, the Indians succeeded in setting the house on fire. Will the mothers of the United States, happy in the midst of unexampled prosperity, know the sorrows of woman in a former generation? "Quickly," writes Mary Rowlandson, "it was the dolefullest day that ever mine eyes saw. Now the dreadful hour is come. Some in our house were fighting for their lives; others wallowing in blood; the house on fire over our heads, and the bloody heathen ready to knock us on the head, if we stirred out. I took my children to go forth; but the Indians shot so thick, that the bullets rattled against the house, as if one had thrown a handful of stones. We had six stout dogs, but none of them would stir. * * * The bullets flying thick, one went through my side, and through my poor child in my arms." The brutalities of an Indian massacre followed; "there remained nothing to me," she continues, now in captivity, "but one poor wounded babe. Down I must sit in the snow, with my sick child, the picture of death, in my lap. Not the least crumb of refreshing came within either of our mouths from Wednesday night to Saturday night, except only a little cold water. * * * One Indian, and then a second, and then a third, would come and tell me, 'Ycur master will quickly knock your child on the head.' This was the comfort I had from them; miserable comforters were they all." (1)

(1) M. Rowlandson's Narrative, 12—25.

Nor were such scenes of ruin confined to Massachusetts. At the south, the whole Narragansett country was deserted by the English. Warwick was burned; Providence was attacked and set on fire. There was no security but to seek out the hiding-places of the natives, and destroy them by surprise. On the banks of the Connecticut, just above the Falls that take their name from the gallant Turner, was an encampment of large bodies of hostile Indians; a band of one hundred and fifty volunteers, from among the yeomanry of Springfield, Hadley, Hatfield, and Northampton, led by Turner and Holyoke, making a silent march in the dead of night, came at daybreak upon the wigwams. The Indians are taken by surprise; some are shot down in their cabins; others rush to the river, and are drowned; others push from shore in their birchen canoes, and are hurried down the cataract.

As the season advanced, the Indians abandoned every hope. Their forces were wasted; they had no fields that they could plant. Such continued warfare without a respite was against their usages. They began, as the unsuccessful and unhappy so often do, to quarrel among themselves; recriminations ensued; those of Connecticut charged their sufferings upon Philip; and those who had been his allies became suppliants for peace. Some surrendered to escape starvation. In the progress of the year, between two and three thousand Indians were killed or submitted. Church, the most famous partisan warrior, went out to hunt down parties of fugitives. Some of the tribes wandered away to the north, and were blended with the tribes of Canada. Did they there nourish the spirit of revenge, and remember their ancient haunts, that they might one day pilot fresh hordes of invaders from the north, to renew the work of devastation? Philip himself, a man of no ordinary elevation of character, was chased from one hiding-place to another. He had vainly sought to engage the Mohawks in the contest; now that hope was at an end, he still refused to hear of peace, and struck dead the warrior who proposed it. At length, after the absence of a year, he resolved, as it were, to meet his destiny; and returned to the beautiful land where were the graves of his forefathers, the cradle of his infancy, and the nestling-place of his tribe. Once he escaped narrowly, leaving his wife and only son as prisoners. "My heart

breaks," cried the tattooed chieftain, in the agony of his grief; "now I am ready to die." His own followers began to plot against him, to make better terms for themselves, and in a few days he was shot by a faithless Indian. The captive orphan was transported. So perished the princes of the Pokanokets. Sad to them had been their acquaintance with civilization. The first ship that came on their coast, kidnapped men of their kindred; and now the harmless boy, that had been cherished as an only child, and the future sachem of their tribes, the last of the family of Massasoit, was sold into bondage, to toil as a slave⁽¹⁾ under the suns of Bermuda. Of the once prosperous Narragansetts, of old the chief tribe of New England, hardly one hundred men remained. The sword, fire, famine, and sickness, had swept them from the earth.

During the whole war, the Mohegans remained faithful to the English; and not a drop of blood was shed on the happy soil of Connecticut. So much the greater was the loss in the adjacent colonies. Twelve or thirteen towns were destroyed; the disbursements and losses equalled in value half a million of dollars—an enormous sum for the few of that day. More than six hundred men, chiefly young men, the flower of the country, of whom any mother might have been proud, perished in the field. As many as six hundred houses were burned. Of the able-bodied men in the colony, one in twenty had fallen; and one family in twenty had been burnt out. The loss of lives and property was, in proportion to numbers, as distressing as in the revolutionary war. There was scarcely a family from which death had not selected a victim.

Let us not forget a good deed of the generous Irish; they sent over a contribution, small, it is true, to relieve in part the distresses of Plymouth colony. Connecticut, which had contributed soldiers to the war, now furnished the houseless with more than a thousand bushels of corn. "God will remember and reward that pleasant fruit." Boston imitated the example, for "the grace of Christ," it was said, "always made Boston exemplary" in works of that nature.

The eastern hostilities with the Indians had a different origin, and were of longer continuance. The news of the rising of the Pokanokets was, indeed, the signal for the

(1) Davis, in Morton, 453, &c.

commencement of devastations ; and, within a few weeks, the war extended over a space of nearly three hundred miles. But in Maine it was a border warfare, growing out of a consciousness of wrongs, and a thirst for revenge. Sailors had committed outrages, and the Indians avenged the crimes of a corrupt ship's crew on the villages. There was no general rising of the Abenakis, or Eastern tribes, no gatherings of large bodies of men. Of the English settlements nearly one half were destroyed in detail ; the inhabitants were either driven away, killed, or carried into captivity ; for covetousness sometimes provoked to mercy, by exciting the hope of a ransom.

The escape of ANNE BRACKETT, grand-daughter of George Cleeves, the first settler of Portland, was the marvel of that day. Her family had been taken captives at the sack of Falmouth. When her captors hastened forward to further ravages on the Kennebeck, she was able to loiter behind ; the eye of the mother discerned the wreck of a birchen bark, which, with needle and thread from a deserted house, she patched and repaired ; then, with her husband, a negro servant, and her infant child, she trusted herself to the sea in the tattered canoe, which had neither sail nor mast, and was like a feather on the waves. She crossed Casco Bay, and, arriving at Black Point, where she feared to find Indians, and at best could only have hoped to find a solitude, how great was her joy, as she discovered a vessel from Piscataqua, that had just sought an anchoring-place in the harbour ! (1)

The surrender of Acadia to the French had made the struggle more arduous ; for the Eastern Indians obtained supplies of arms from the French on the Penobscot. To defeat the savage enemy effectually, the Mohawks were invited to engage in the war ; a few of them took up
1677. the hatchet : but distance rendered co-operation impossible. After several fruitless attempts at treaties,
1678. peace was finally established by Andros as governor of Pemaquid, but on terms which acknowledged the superiority of the Indians. On their part, the restoration of prisoners and the security of English towns were stipulated ; in return, the English were to pay annually, as a quit-rent, a peck of corn for every English family. (2)

(1) Hubbard's *Indian Wars*, 234. Willis's *Portland*, i. 143, 147, 155. Compare Church, 166. MS. Letters from Willis and Farmer.

(2) *Williamson*, i. 558. Neal's *N. E. &c. &c.*

The defence of New England had been made by its own resources. Jealous of independence, it never applied to the parent country for assistance; and the Earl of 1676. Anglesey reproached the people with their public spirit. "You are poor," said he, "and yet proud." The English ministry, contributing nothing to repair colonial losses, made no secret of its intention to "reassume the government of Massachusetts into its own hands;" (1) and, before a single season had effaced the traces of the blood of her sons, while the ground was still wet with the blood of her yeomanry, the wrecks of her villages were still smoking, and the Indian war-cry was yet ringing in the forests of Maine, Edward Randolph, the English emissary, arrived in New England.

The messenger and message were received with coldness. The governor avowed ignorance of the officer whose signature was affixed to the letter from the king, and denied the right of the king, or of parliament, to bind the colony by laws adverse to its interests. "The king," said the honest Leverett, "can, in reason, do no less than let us enjoy our liberties and trade, for we have made this large plantation in the wilderness at our own charge, without any contribution from the crown."

Randolph, at once the agent for Mason, and the messenger from the privy council, belonged to that class of hungry adventurers with whom America ultimately became so familiar. His zeal led him, in the course of nine years, to make eight voyages to America; and now, on his return to England, after a residence of but six weeks in the New World, that he might excite the office-seekers in the court of Charles II., he exaggerated the population of the country fourfold, and its wealth in a still greater proportion. His statements deserve little confidence; (2) yet they made the English ministry more eager to narrow the territory, cripple the trade, and recall the charter of Massachusetts.

The colony, reluctantly yielding to the direct commands of Charles II., resolved to send William Stoughton and Peter Bulkley as envoys to England; but, agreeably to the advice of the elders, their powers were circumscribed "with the utmost care and caution."

In their memorial, respecting the extent of their terri-

(1) *Burk's Virginia*, ii. Appendix, xxxvii.

(2) *Hutch. Coll.* 503, &c. &c. *Hutch. Hist.* i. 280, &c.

tory, the court represented their peculiar unhappiness, to be required, at one and the same time, to maintain before courts of law a title to the provinces, and to dispute with a savage foe the possession of dismal deserts.

Remonstrance was of no avail. A committee of 1677. the privy council, which examined all the charters, refused to decide on the claims of the resident settlers to the land which they occupied, but denied to Massachusetts the right of jurisdiction over Maine and New Hampshire. The decision was so manifestly in conformity with English law, that the colonial agents attempted no serious defence.

The provinces being thus severed from the government of Massachusetts, King Charles was willing to secure them as an appanage for his reputed son, the kind-hearted, but worthless Duke of Monmouth, the Absalom of that day, whose weakness was involved in a dishonest opposition to his father, and whom frivolous ambition at last conducted to the scaffold. It was thought that the united provinces would furnish a noble principality with an immediate and increasing revenue. But before the monarch, whom extravagance had impoverished, could resolve on a negotiation, Massachusetts, through the agency of a Boston merchant, obtained possession of the claims of Gorges, by a purchase and regular assignment. The price paid was £1,250—about six thousand dollars.

It was never doubted that a proprietary could alienate the soil; it was subsequently questioned whether the rights of government could be made a subject of traffic.

This assignment was the cause of a series of relations, which, in part, continue to the present day. In a pecuniary point of view, no transaction could have been for Massachusetts more injurious; for it made her a frontier state, and gave her the most extensive and most dangerous frontier to defend.

But Massachusetts did not, at this time, come into possession of the whole territory which now constitutes the state of Maine. France, under the treaty of Breda, claimed and occupied the district from St. Croix to the Penobscot; the Duke of York held the tract between the Penobscot and the Kennebeck, claiming, indeed, to own the whole tract between the Kennebeck and the St. Croix; while Massachusetts was proprietary only of the district between the Kennebeck and the Piscataqua.

A novel form of political institution ensued. Massachusetts, in her corporate capacity, was become the lord proprietary of Maine; the little republic on the banks of the Charles was the feudal sovereign of this eastern lordship. Maine had thus far been represented in the Massachusetts house of representatives; henceforward she was to be governed as a province, according to the charter to Gorges. In obedience to an ordinance of the general court, the governor and assistants of Massachusetts proceeded to organize the government of Maine.

The president and council were appointed by the magistrates of Massachusetts; at the same time, a popular legislative branch was established, composed of deputies from the several towns in the district. Danforth, the president, was a man of worth and republican principles; yet the pride of the province was offended by its subordination; the old religious differences had not lost their influence; and royalists and churchmen prayed for the interposition of the king.⁽¹⁾ Massachusetts was compelled to employ force to assert its sovereignty, which, nevertheless, was exercised with moderation and justice.⁽²⁾

The change of government in New Hampshire was less quietly effected. On the first apprehension that the claim of Mason would be revived, the infant people, assembling in town-meetings, expressed their content with the government of Massachusetts.

But the popular wish availed little in the decision of a question of law; the patent of Mason was duly investigated in England; it was found that he had no right to jurisdiction over New Hampshire; the unappropriated lands were allowed to belong to him; but the rights of the settlers to the soil which they actually occupied, were reserved for litigation in colonial courts.⁽³⁾

To further that end, a new jurisdiction was established; New Hampshire was separated from Massachusetts, and

(1) Sullivan's Maine, 384. Williamson, i. 557, &c. Hutch. Coll. Mass. Records, iv.

(2) Chalmers, 488: "No assembly, of which the representatives of the people composed a constituent part, was allowed, because none had been mentioned in the original grant." An assembly was regularly held. Williamson's Maine, i. 566, &c. The reason assigned is as unfounded as the statement in Chalmers. In the grant of 1639, the assent of the majority of the freeholders is required for all acts of legislation. Hazard, i. 445. It is true, the proprietary supremacy of Massachusetts was unpopular to many. Willis's Portland, i. 158. Maine Hist. Collections, i. 307.

(3) Compare Letter of King Charles, in Mass. Hist. Coll. xxi. 72.

organized as a royal province. It was the first royal government ever established in New England. The 1679. king, reserving a negative voice to himself and his officers, engaged to continue the privilege of an assembly, unless he or his heirs should deem that privilege "an inconvenience."

The persons first named by the king to the offices of president and council, were residents of the colony, and friends to the colonists; but, perceiving that their appointment had no other object than to render the transition to a new form of government less intolerable, they accepted office reluctantly.

At length a general assembly was convened at 1680. Portsmouth. Its letter (1) to Massachusetts is a testimony of its gratitude. "We acknowledge your care for us,"—it was thus that the feeble colony addressed its more powerful neighbour,—“we thankfully acknowledge your kindness, while we dwelt under your shadow, owning ourselves deeply obliged that, on our earnest request, you took us under your government, and ruled us well. If there be opportunity for us to be anywise serviceable to you, we shall show how ready we are to embrace it. Wishing the presence of God to be with you, we crave the benefit of your prayers on us, who are separated from our brethren.”

The claims of affection having been acknowledged, the colony proceeded to assert its rights by a solemn decree, the first in their new code: "No act, imposition, law, or ordinance, shall be valid, unless made by the assembly and approved by the people." Thus did New Hampshire seize the earliest moment of its separate existence, to express the great principle of self-government, and take her place by the side of Massachusetts and Virginia. When the code of the infant government was transmitted to England, it was disapproved both for style and matter; and its provisions were rejected as incongruous and absurd. Nor was Mason successful in establishing his claims to the soil. The colonial government protected the colonists, and restrained his exactions.

Hastening to England to solicit a change, the proprietary was allowed to make such arrangement as promised auspicious results to his own interests. The scenes that occurred are instructive. Mason, a party in suits to be

(1) *Adams's Portsmouth*, 66—67. Belknap.

commenced, was authorized to select the person to be appointed governor. He found a fit agent in Edward Cranfield, a man who had no object in banishing himself to the wilds of America, but to wrest a fortune from the sawyers and lumber-dealers of New Hampshire. He avowed his purpose openly; and the moral tone of that day esteemed it no dishonour. But he insisted on good

1682. security. By a deed enrolled in chancery, Mason surrendered to the king one fifth-part of all quit-rents for the support of the governor, and gave to Cranfield a mortgage of the whole province for twenty-one years, as collateral security for the payment of his salary. Thus invested with an ample royal commission, (1) with the promise of a fixed salary, a fifth of all quit-rents, a mortgage of the province, and the exclusive right to the anticipated abundant harvest of fines and forfeitures, Cranfield deemed his fortune secure, and, relinquishing a profitable employment in England, embarked for the banks of the Piscataqua.

But the first assembly which he convened dispelled all his golden visions of an easy acquisition of fortune. To humour the governor, the "rugged" legislators voted him a gratuity of two hundred and fifty pounds, which the 1683. needy adventurer greedily accepted; but they would not yield their liberties; and the governor in anger dissolved the assembly.

The dissolution of an assembly was a novel procedure in New England. Such a thing had till now been unheard of. Popular discontent became extreme; and a crowd of rash men raised the cry for "liberty and reformation." The leader, Edward Gove, an unlettered enthusiast, was confined in irons, and condemned to the death that barbarous laws denounced against treason, and, having been transported to England, was for three years kept a prisoner in the Tower of London.

The lawsuits about land were multiplied. Packed juries and partial judges settled questions rapidly; but Mason derived no benefit from a decision in his favour, for he could neither get possession of the estates, nor find a purchaser.

Meantime, Cranfield, with a subservient council, began to exercise powers of legislation; and, like a greedy tenant whose lease is expiring, he still hoped to amass a

(1) Mass. Hist. Coll. v. 232.

fortune by taxes and arbitrary fees of office. Did the towns privately send an agent to England, Cranfield would tolerate no complaints; and Vaughan, who had been active in obtaining depositions, was required to find securities for good behaviour. He refused, declaring that he had broken no law; and the governor immediately imprisoned him.

^{1684.} Cranfield still sighed for money; and now stooping to falsehood, and hastily calling an assembly, on a vague rumour of an invasion, he demanded a sudden supply of the means of defence. The representatives of New Hampshire would not be hastened; they took time to consider; and, after debate, they negatived the bill which the governor had prepared.

Cranfield next resolved to intimidate the clergy, and forbade the usual exercise of church discipline. In Portsmouth, Moody, the minister, replied to his threats by a sermon, and the church was inflexible.

Cranfield next invoked the aid of the ecclesiastical laws of England, which he asserted were in force in the colony. The people were ordered to keep Christmas as a festival, and to fast on the thirtieth of January. But the capital stroke of policy was an order, that all persons should be admitted to the Lord's supper as freely as in the Episcopal or Lutheran church, and that the forms of the English liturgy should in certain cases be adopted. The order was disregarded.

That nothing might be wanting, the governor himself appointed a day on which he claimed to receive the elements at the hands of Moody, after the forms of the English church. Moody refused; was prosecuted, condemned, and imprisoned. Religious worship was almost entirely broken up in the colony. But the people did not yield; and Cranfield, vexed at the stubbornness of the clergy, gave information in England, that "while the clergy were allowed to preach, no true allegiance could be found."⁽¹⁾ It had long been evident, "there could be no quiet, till the factious preachers were turned out of the province."

One more attempt was made to raise an income, by means of taxes imposed by the vote of the subservient council. That the people might willingly pay them, a rumour of a war with the Eastern Indians was spread

(1) Chalmers, 497, 510.

abroad; and Cranfield made a visit to New York, under pretence of concerting measures with the governor of that province. The English ministry was also informed that his Majesty's service required the presence of a ship-of-war. The committee of plantations had been warned, that "without some visible force to keep the people of New Hampshire under, it would be a difficult or impossible thing to execute his Majesty's commands, or the laws of trade."

But the yeomanry were not terrified; illegal taxes could not be gathered; associations were formed for mutual support in resisting their collection. At Exeter, the sheriff was driven off with clubs, and the farmers' wives had prepared hot water to scald his officer, if he had attempted to attach property in the house. At Hampton, he was beaten, robbed of his sword, seated upon a horse, with a rope round his neck, and conveyed out of the province. If rioters were committed, they were rescued by a new riot; if the troop of horse of the militia were ordered out, not a man obeyed the summons.

Cranfield, in despair, wrote imploringly to the government in England, "I shall esteem it the greatest happiness in the world to be allowed to remove from these unreasonable people. They cavil at the royal commission, and not at my person. No one will be accepted by them, who puts the king's commands in execution."

The conduct of Cranfield met with the entire approbation of the lords of trade; he was allowed to withdraw from the province; but the government in England had no design of ameliorating the political condition of the colonists.

The character of New Hampshire, as displayed in this struggle for freedom, remained unchanged. It was ever esteemed in England "factions in its economy, affording no exemplary precedents" to the friends of arbitrary power.

Massachusetts might, perhaps, still have defied the king, and escaped or overawed the privy council; but the merchants and manufacturers of England, fearing the colony as their rival, possessed intelligence to discern how their monopoly might be sustained, and perseverance to press steadily towards their object. Their complaints had
1675. been received with favour; their selfish reasoning was heard with a willingness to be convinced; and the

English statesmen who maintained the absolute sovereignty of parliament, must have esteemed Massachusetts without excuse.

1676. The agents of Massachusetts had brought with them no sufficient power; an amnesty for the past would readily have been conceded; for the future, it was resolved to reduce Massachusetts to "a more palpable dependence." That this might be done with the consent of the colony, the agents were enjoined to procure larger powers. But no larger powers were granted.

It was against fearful odds that Massachusetts continued the struggle. All England was united. Whatever party triumphed, the mercantile interest would readily procure an enforcement of the laws of trade. "The country's neglect of the Acts of Navigation," wrote the agents, "has been the most unhappy neglect. Without a compliance in that matter, nothing can be expected but a total breach." "All the storms of displeasure" would be let loose.

It was not, therefore, a surprise, when the committee of plantations raised the question, whether the original charter had any legal entity. The crown, however, would not deny the validity of the patent, but suggested the avoiding it by a *quo warranto*.

The colony resolved, if it must fall, to fall with dignity. Religion had been the motive of the settlement; religion was now its counsellor. The fervours of the most ardent devotion were kindled; a more than usually solemn form of religious observance was adopted; a synod of all the churches in Massachusetts was convened, to inquire into the causes of the dangers to New England liberty, and the mode of removing the evils. Historians have mentioned this incident with levity; no more fit mode could have been devised to awaken the attention of every individual in the commonwealth to a consideration of the subject.

1678, Meantime, the general court had enacted several
1679. laws, partially removing the ground of complaint. But they related to forms, rather than to realities. High treason was made a capital offence; the oath of allegiance was required; the king's arms were put up in the court-house. But it was more difficult to conform to the laws of trade. The colony was unwilling to forfeit its charter and its religious liberties on a pecuniary question; and yet, to acknowledge its readiness to submit to an act of parlia-

ment, was regarded as a cession of the privilege of independent legislation. It devised, therefore, an expedient. It declared that "the Acts of Navigation were an invasion of the rights and privileges of the subjects of his Majesty in the colony, they not being represented in parliament." "The laws of England," they add, "do not reach America." In connection with this declaration, the general court gave validity to the laws of navigation by an act of its own.

Such is the renewed direct denial, on the part of a colony, of the supremacy of parliament, on the ground of a want of representation. Massachusetts adopted towards Charles II. the same views which she had successfully avowed to the English nation in the days of the Long Parliament.

The troubles connected with the popish plot delayed the settlement of the affairs of New England. The agents, Stoughton and Bulkley, returned in 1679, and reached Boston in December. With them came Randolph, now appointed an officer of the customs. The new command of the king, that other agents should be sent over with unlimited powers, was disregarded. It was evident the subversion of the charter was designed.

Twice did Charles II. remonstrate against the disobedience of his subjects; twice did Randolph cross the Atlantic, and return to England, to assist in directing the government against Massachusetts. The commonwealth was inflexible. At length, in February, 1682, the aspect of affairs in England rendered delay more dangerous; and Dudley and Richards were selected as agents. Yet, while the prayers of the whole commonwealth went up for their safety, and the safety of the patent, they were expressly enjoined to consent to nothing that should infringe the privileges of the government established under the charter. A singular method was also attempted. In the English court everything was vented. France had succeeded in bribing the king to betray the political interests of England; Massachusetts was willing to bribe the monarch into clemency towards its liberties.

The commission of the deputies was not acceptable. They were ordered to obtain full powers for the entire regulation of the government, and the threat of a judicial process was renewed. The agents represented the condition of the colony as desperate. A general war against

corporations was begun; many cities in England had surrendered. Was it not safest for the colony to decline a contest, and throw itself upon the favour or forbearance of the king? Such was the theme of universal discussion throughout the colony; the common people spoke of it at their firesides; the topic went with them to church; it entered into their prayers; it filled the sermons of the ministers; and, finally, Massachusetts resolved, in a manner that showed it to be distinctly the sentiment of the people, to resign the territory of Maine, which was held by purchase, but not to concede one liberty or one privilege which was held by charter. If liberty was to receive its death-blow, better that it should die by the violence and injustice of others, than by their own weakness.

The message closed the duties of the agents. A *quo warranto* was issued; Massachusetts was arraigned before an English tribunal, under judges holding their office at the pleasure of the crown; and Randolph, the hated messenger, arrived with the writ. At the same time, a declaration from the king asked once more for submission, promising as a reward the royal favour, and the fewest alterations in the charter consistent with the support of a royal government.

The people of Massachusetts had been close observers of events in England. They had seen a popular party, of which Shaftesbury assumed the guidance, and of which the House of Commons was the scene of victories, rise, act, and become defeated. They had seen Charles II. gradually establish despotic power. They had seen the people of England apparently acquiescing in the subjection of parliament. An insurrection had indeed been planned; the doctrine had indeed been whispered, that resistance to oppression was lawful. But the doctrine had been expiated by the blood of Sidney and of Russell; and the colonists knew, that, on the very day of the death of Russell, the University of Oxford, recalling the days of Henry VIII., and asserting an historical fact rather than a principle, had declared "*submission and obedience, clear, absolute, and without exception, to be the badge and character of the church of England.*" They knew that many cities of England had surrendered their charters; that London itself, the metropolis which had sheltered Hampden against Charles I., had found resistance ineffectual; and to render submission in Massachusetts easy,

by showing that opposition was desperate, two hundred copies of the proceedings against London were sent over to be dispersed among the people. The governor and assistants, the patrician branch of the government, were persuaded of the hopelessness of further resistance ; even a tardy surrender of the charter might conciliate the monarch. They therefore resolved to remind the king of his promises, and "not to contend with his Majesty in a court of law ;" they would "send agents, empowered to receive his Majesty's commands."

The magistrates referred this vote to "their brethren the deputies" for concurrence. During a full fortnight the subject was debated, that a decision might be made in harmony with the people.

"Ought the government of Massachusetts," thus it was argued, "submit to the pleasure of the court, as to alteration of their charter? Submission would be an offence against the majesty of Heaven ; the religion of the people of New England and the court's pleasure cannot consist together. By submission Massachusetts will gain nothing. The court design an essential alteration, destructive to the vitals of the charter. The corporations in England that have made an entire resignation, have no advantage over those that have stood a suit in law ; but if we maintain a suit, though we should be condemned, we may bring the matter to chancery or to a parliament, and in time recover all again. We ought not to act contrary to that way, in which God hath owned our worthy predecessors, who, in 1638, when there was a *quo warranto* against the charter, durst not submit. In 1664, they did not submit to the commissioners. We, their successors, should walk in their steps, and so trust in the God of our fathers, that we shall see his salvation. Submission would gratify our adversaries and grieve our friends. Our enemies know it will sound ill in the world, for them to take away the liberties of a poor people of God in a wilderness. A resignation will bring slavery upon us sooner than otherwise it would be ; and will grieve our friends in other colonies, whose eyes are now upon New England, expecting that the people there will not, through fear, give a pernicious example unto others.

"Blind obedience to the pleasure of the court cannot be without great sin, and incurring the high displeasure of the King of Kings. Submission would be contrary unto

that which has been the unanimous advice of the ministers, given after a solemn day of prayer. The ministers of God in New England have more of the spirit of John Baptist in them, than now, when a storm hath overtaken them, to be reeds, shaken with the wind. The priests were to be the first that set their foot in the waters, and there to stand till the danger be past. Of all men, they should be an example to the Lord's people, of faith, courage, and constancy. Unquestionably, if the blessed Cotton, Hooker, Davenport, Mather, Shepherd, Mitchell, were now living, they would, as is evident from their printed books, say—Do not sin, in giving away the inheritance of your fathers.

“Nor ought we to submit without the consent of the body of the people. But the freemen and church-members throughout New England will never consent hereunto. Therefore, the government may not do it.

“The civil liberties of New England are part of the inheritance of their fathers; and shall we give that inheritance away? Is it objected, that we shall be exposed to great sufferings? Better suffer than sin. It is better to trust the God of our fathers, than to put confidence in princes. If we suffer, because we dare not comply with the wills of men against the will of God, we suffer in a good cause, and shall be accounted martyrs in the next generation and at the great day.”⁽¹⁾

The decision of the colony, by its representatives, is on record. “The deputies consent not, but adhere to their former bills.”

Addresses were forwarded to the king, urging forbearance; but entreaty and remonstrance were vain. A
1684. *scire facias* was issued in England; and before the colony could act upon it, just one year and six days after the judgment against the city of London, the charter was conditionally adjudged to be forfeited; and the judgment
1685. was confirmed on the first day of the Michaelmas term. A copy of the judgment was received in Boston in July of the following year.

Thus fell the charter, which the fleet of Winthrop had brought to the shores of New England, which had been cherished with anxious care through every vicissitude, and on which the fabric of New England liberties had rested.

(1) Mass. Hist. Coll. xxi. 74—81. Every word unless it be some small connecting words, is taken exactly from the old Hutchinson papers. I have omitted some things, but have not added a line.

There was now no barrier between the people of Massachusetts and the absolute will of the court of England. Was religion in danger? Was landed property secure? Would commercial enterprise be paralyzed by restrictions? Was New England destined to learn from its own experience the nature of despotism? Gloomy forebodings overspread the colony.

CHAPTER XIII.

SHAFTESBURY AND LOCKE LEGISLATE FOR CAROLINA.

MEANTIME civilization had advanced at the south, and twin stars were emerging beyond the limits of Virginia. The country over which Soto had rambled in quest of gold, where Calvinists, befriended by Coligny, had sought a refuge, and where Raleigh had hoped to lay the foundations of colonial principalities, was beginning to submit to the culture of civilization.

Massachusetts and Carolina were both colonized under proprietary charters, and of both the charters were subverted; but while the proprietaries of the former were emigrants themselves, united by the love of religious liberty, the proprietaries of the latter were a company of English courtiers, combined for the purpose of a vast speculation in lands. The government established in Massachusetts was essentially popular, and was the growth of the soil; the constitution of Carolina was invented in England. Massachusetts was originally colonized by a feeble band of suffering yet resolute exiles, and its institutions were the natural result of the good sense and instinct for liberty of an agricultural people; Carolina was settled under the auspices of the wealthiest and most influential nobility, and its fundamental laws were framed with forethought by the most sagacious politician and the most profound philosopher of England. The king, through an obsequious judiciary, annulled the government of Massachusetts; the colonists repudiated the constitutions of Carolina. The principles of the former possessed an inherent vitality, which nothing has yet been able to destroy; the frame of the latter, as it disappeared, left no trace of its transitory existence, except in the institutions which sprung from its decay.

The reign of Charles II. was not less remarkable for the rapacity of the courtiers, than for the debauchery of the monarch. The southern part of our republic, ever regarded as capable of producing all the staples that thrive on the borders of the tropics, was coveted by statesmen who controlled the whole patronage of the British realms. The province of Carolina, extending from the thirty-sixth degree of north latitude to the river San Matheo, 1663. was accordingly erected into one territory; and the historian Clarendon, the covetous though experienced minister, hated by the people, faithful only to the king; (1) Monk, so conspicuous in the restoration, and now ennobled as Duke of Albemarle; Lord Craven, (2) a brave Cavalier, an old soldier of the German discipline, supposed to be husband to the Queen of Bohemia; Lord Ashley Cooper, afterwards Earl of Shaftesbury; Sir John Colleton, a royalist of no historical notoriety; Lord John Berkeley, with his younger brother, (3) Sir William Berkeley, the governor of Virginia; and the passionate, and ignorant, and not too honest Sir George Carteret, (4)—were constituted its proprietors and immediate sovereigns. Their authority was nearly absolute; nothing was reserved but a barren allegiance. Avarice is the vice of declining years; most of the proprietaries were past middle life. They begged the country under pretence of "a pious zeal for the propagation of the gospel;" and their sole object was the increase of their own wealth and dignity. (5)

The grant had hardly been made before it became apparent that there were competitors, claiming possession of the same territory. It was included by the Spaniards within the limits of Florida; and the castle of St. Augustine was deemed proof of the actual possession of an indefinite adjacent country. Spain had never formally acknowledged the English title to any possessions in America; and, when a treaty was finally concluded 1667. at Madrid, it did but faintly concede the right of England to her transatlantic colonies, and to a continuance of commerce in "the accustomed seas."

And not Spain only claimed Carolina. In 1630, a patent

(1) Pepys, i. 192, 366. Evelyn.

(2) Life of Lord Keeper Guilford, 393. Pepys, i. 115.

(3) Morryson, in Burd, iii. 266.

(4) Pepys, i. 356, 140, 235, 236, 238, 176, and Grahame's U. S. ii. 317.

(5) The two Charters to the Proprietors of Carolina, small 4to.

for all the territory had been issued to Sir Robert Heath; and there is room to believe that, in 1639, permanent plantations were planned and perhaps attempted by his assign.(1) William Hawley appeared in Virginia as "governor of Carolina," the land between the thirty-first and thirty-sixth parallels of latitude; and leave was granted by the Virginia legislature, that it might be colonized by one hundred persons from Virginia, "freemen, being single, and disengaged of debt." (2) The attempts were certainly unsuccessful, for the patent was now declared void, because the purposes for which it was granted had never been fulfilled.(3)

1660 More stubborn rivals were found to have already (4)
or planted themselves on the river Cape Fear. Hardly
1661. had New England received within its bosom a few scanty colonies, before her citizens and her sons began roaming the continent and traversing the seas in quest of untried fortune. A little bark, navigated by New England men, had hovered off the coast of Carolina; they had carefully watched the dangers of its navigation; had found their way into the Cape Fear river; had purchased of the Indian chiefs a title to the soil, and had boldly planted a little colony of herdsmen far to the south of any English settlement on the continent. Already they had partners in London, and hardly was the grant of Carolina made known, before their agents pleaded their discovery, occupancy, and purchase, as affording a valid title to the soil, while they claimed the privileges of self-government as a natural right.(5) A compromise was offered; and the proprietaries, in their "proposals to all that would plant in Carolina," promised emigrants from New England religious freedom, a governor and council, to be elected from among a number whom the emigrants themselves should nominate, a representative assembly, independent legislation, subject only to the negative of the proprie-

(1) Hening, i. 552. Records in the office of the general court at Richmond, labelled No. 1, 1639—1642, p. 70.

(2) Richmond Records, No. 1, 1639—1642, p. 93.

(3) Williamson's N. C. i. 84, 85. Berkeley, *ibid.* 255. Martin, i. 94, 125. Chalmers, 515.

(4) Lawson's Description, p. 73: "In the year 1661, or thereabouts." Martin, i. 126, 1659. Williamson, i. 95, 1660. Again, Martin, i. 137, contradicts himself, and says 1660.

(5) Mass. Hist. Coll. xxi. 55—59. Martin, i. 116, 117, 126. Letter in Williamson, i. 256.

taries, land at a rent of a halfpenny an acre, and such freedom from customs as the charter would warrant.(1) Yet the lands round Cape Fear were not inviting to men who could choose their abodes from the whole wilderness; the herds, and the fields in which they browsed, were for a season abandoned to the care of friendly Indians;(2) and the emigrants, revisiting their former homes, "spread a reproach on the harbour and the soil." (3) But the colony was not at once wholly deserted; and if its sufferings became extreme, Massachusetts, the young mother of colonies, not indifferent to the fate of her children, listened to their prayer "for some relief in their distress," and ministered to their wants by a general contribution^{1667.} through her settlements.(4) If the infant town planted on Oldtown Creek, near the south side of Cape Fear river, did not prosper,(5) New England planters and New England principles of popular liberty remained in North Carolina;(6) and to them may fairly be traced something of the resolute spirit for which the colony was distinguished. Yet they were not the sole cause of "the distractions" which ensued; nature herself prompts and encourages the love of freedom.

Loftiness of station does not change selfish passion. The conditions offered to the colony of Cape Fear "were not intended for the meridian" of Virginia. "There," said the proprietaries, in their instructions to Sir William Berkeley, "we hope to find more facile people" than the New England men. Yet they intrusted the affair entirely to Sir William's management. He was to get settlers as cheaply as possible; yet, at any rate, to get settlers.(7)

Like Massachusetts, Virginia was the mother of a cluster of states; like the towns of New England, the plantations of Virginia extended along the sea. The country on Nansemond River had been settled as early as 1609; in 1622, the adventurous Porey, then secretary of the Old Dominion, travelled overland to the South River, Chowan, and, on his return, celebrated the kindness of the native people, the fertility of the country,

(1) Chalmers, 518.

(2) Journal of Gentlemen from Barbadoes, in Lawson, 72, 73. Martin, i. 137.

(3) Mass. Hist. Coll. xxi. 58.

(4) Massachusetts Records for May, 1667, in vol. iv. Compare Hutchinson, i. 238.

(5) Lawson, 73, 74. Williamson, i. 95 and 91.

(6) Chalmers, 516, gives all the honour to New England.

(7) Williamson, i. 256.

and the happy climate, that yielded two harvests in ea year.(1) If no immediate colonization ensued, if t plans formed in England by Sir Robert Heath, or Lord Maltravers, Heath's assign, were never realized, t desire of extending the settlements to the south still prevailed in Virginia; and twenty years after the e 1642. cursion of Porey, a company that had heard of t river that lay south-west of the Appomatox, petitione and soon obtained leave of the Virginia legislature, 1643. prosecute the discovery, under the promise of fourteen years' monopoly of the profits.(2) Explorin parties to the south not less than to the west, to Souther Virginia, or Carolina,(3) the early name, which had bee retained in the days of Charles I. and of Cromwell, an which was renewed under Charles II.,(4) continued to b encouraged by similar grants. Clayborne,(5) th 1652. early trader in Maryland, still cherished a fondnes for discovery; and the sons of Governor Yeardley(6 wrote to England with exultation, that the norther country of Carolina had been explored by "Virginia born."

We are not left to conjecture, who of the inhabitants of Nansemond of that day first traversed the intervenin forests and came upon the rivers that flow into Albemarl Sound. The company was led by Roger Green, an 1653. his services were rewarded by the grant of a thousand acres, while ten thousand acres were offered to an hundred persons who would plant on the banks of th Roanoke, or on the south side of the Chowan and it tributary streams.(7) These conditional grants seem not to have taken effect; yet the enterprise of Virginia di not flag; and Thomas Dew, once the speaker of th 1656. assembly, formed a plan for exploring the navigabl rivers still further to the south, between Cape Hatter and Cape Fear.(8) How far this spirit of discovery le to immediate emigration, it is not possible to determin The county of Nansemond had long abounded in no

(1) Smith's Virginia, ii. 64.

(2) Hening, i. 262. Williamson, i. 91: "For more than twenty years, &c. Had Williamson for his opinion other grounds than this act, which however, does not sustain his statement? He cites no authority.

(3) Thurloe, ii. 273, 274. Hening, i. 553.

(4) Compare Carolina, by T. A., 1682, p. 3.

(5) Hening, i. 377.

(6) Thurloe, ii. 273, 274. Letter of Francis Yeardley to John Penn.

(7) Hening, i. 380, 381.

(8) Ibid. 428

conformists; (1) and it is certain the first settlements on Albemarle Sound were a result of spontaneous overflows from Virginia. Perhaps a few vagrant families were planted within the limits of Carolina (2) before the restoration. At that period, men who were impatient of interference, who dreaded the enforcement of religious conformity, who distrusted the spirit of the new government in Virginia, plunged more deeply into the forests. It is known that, in 1662, the chief of the Yeopim Indians granted to George Durant (3) the neck of land which still bears his name; (4) and, in the following year, 1663, George Cathmaid could claim from Sir William Berkeley a large grant of land upon the Sound, as a reward for having established sixty-seven persons in Carolina. (5) This may have been the oldest considerable settlement; there is reason to believe that volunteer emigrants had preceded them. (6) In September, the colony had attracted the attention of the proprietaries, and Berkeley was commissioned to institute a government over the region, which, in honour of Monk, received the name that time has transferred to the bay. The plantations were chiefly on the north-east bank of the Chowan; and, as the mouth of that river is north of the thirty-sixth parallel of latitude, they were not included in the first patent of Carolina. Yet Berkeley, who was but governor of Virginia, and was a joint proprietary of Carolina, obeyed his interest as landholder more than his duty as governor; and, severing the settlement from the Ancient Dominion, established a separate government over men who had fled into the woods for the enjoyment of independence, and who had already, at least in part, obtained a grant of their lands from the aboriginal lords of the soil.

Berkeley did not venture to discuss the political prin-

(1) Winthrop, ii. 334. Johnson's *Wonderw. Prov.* B. iii. c. xi.

(2) Williamson, i. 79, 91, and note on 93. Williamson cites no authorities. The accounts in the historians of North Carolina are confused. As far as I can learn, no memorials of the earliest settlers remain. I have no document older than 1663, and no exact account, which I dare trust, older than 1662.

(3) Winthrop, ii. 334, speaks of Mr. Durant, of Nansemond, elder of a Puritan "very orthodox church," in that county, and banished from Virginia in 1648, by Sir William Berkeley. Were the exile and the colonist in any way connected?

(4) MSS. communicated by D. L. Swain, governor of North Carolina, in 1835.

(5) MSS. from D. L. Swain.

(6) Chalmers, 519, "For some years."

ciples or dispute the possessions of these bold pioneers. He appointed William (1) Drummond, an emigrant to Virginia (2) from Scotland, (3) probably a Presbyterian, a man of prudence and popularity, deeply imbued with the passion for popular liberty, (4) to be the governor of Northern Carolina; and, instituting a simple form of government, a Carolina assembly, (5) and an easy tenure of lands, he left the infant people to take care of themselves; to enjoy liberty of conscience and of conduct in the entire freedom of innocent retirement; to forget the world, till rent-day drew near, and quit-rents might be demanded. (6) Such was the origin of fixed settlements in North Carolina. The child of ecclesiastical oppression was swathed in independence.

But New England and Virginia only turned their eyes to the southern part of our republic. Several planters of Barbadoes, dissatisfied with their condition, and desiring to establish a colony under their own exclusive direction, despatched a vessel to examine the country. What other report could be made by the careful leaders of the expedition, than that the climate was agreeable, and the soil of various qualities; that game abounded; that the natives were ready to promise peace? (7) They purchased of the Indians a tract of land thirty-two miles square, on Cape Fear river, near the neglected settlement of the New Englanders, and their employers begged of the proprietaries a confirmation of the purchase, and a separate charter of government. Not all their request was granted; yet liberal terms were proposed; and Sir John Yeamans, the son of a Cavalier, a needy baronet, who, to mend his fortune, had become a Barbadoes planter, was appointed

(1) *William*. Martin, i. 138, says *George Drummond*. Hening, ii. 226, Act i. identifies the man, and settles the question. Williamson, i. 119, is even more inaccurate than Martin; he says Drummond died in the colony. So carelessly has the history of N. C. been written, that the name, the merits, and the end of its first governor were not known.

(2) Hening, i. 549; ii. 158.

(3) Sir Wm. Berkeley's List, &c., copied by Greenhow, published by P. Force, 1835. "Drummond, a Scotchman."

(4) Berkeley, as above. And a Narrative of the Indian and Civil Wars in Virginia, in Mass. Hist. Coll. xi. 79, in Force's edition, p. 46.

(5) Richmond Records, No. 3, 1663—1668, 348—353: "Wm. Drummond, governor of Carolina, and the assembly there" (p. 349). This was July 12, 1666.

(6) Chalmers, 520.

(7) The account is reprinted in Lawson, 65—73. Martin, 180, &c., less perfectly.

governor, with a jurisdiction extending from Cape Fear to the St. Matheo. The country was called Clarendon. "Make things easy to the people of New England, from thence the greatest supplies are expected;" such were his instructions. Under an ample grant of liberties for the colony, he conducted, in the autumn of 1665, a band of emigrants from Barbadoes, and on the south bank of Cape Fear river laid the foundation of a town, which flourished so little, that its site is at this day a subject of dispute.⁽¹⁾ Yet the colony, barren as were the plains around them, made some advances; it exported boards, and shingles, and staves, to Barbadoes. The little traffic was profitable, and was continued; emigration increased; the influence of the proprietaries fostered its growth; it absorbed the remains of the New England settlement; and it is said that, in 1666, the plantation already contained eight hundred souls. Many preferred it, as a place of residence, to Barbadoes, and Yeamans, who understood the nature of colonial trade, managed its affairs without reproach.⁽²⁾

Meantime the proprietaries, having collected minute information respecting the coast, had learned to covet an extension of their domains; and, indifferent to the claims of Virginia, and in open contempt of the garrison of Spain 1665. at St. Augustine, the covetous Clarendon and his associates easily obtained from the king a new charter, which granted to them, from the Atlantic to the Pacific Ocean, all the land lying between twenty-nine degrees and thirty-six degrees thirty minutes, north latitude; a territory extending seven and a half degrees from north to south, and more than forty degrees from east to west; comprising all the territory of North and South Carolina, Georgia, Tennessee, Alabama, Mississippi, Louisiana, Arkansas, much of Florida and Missouri, nearly all of Texas, and a large portion of Mexico. The soil, and, under the limitation of a nominal allegiance, the sovereignty also, were theirs, with the power of legislation, subject to the consent of the future freemen of the colony. The grant of privileges was ample, like those to Rhode Island and Connecticut. An express clause in the charter for Carolina opened the way for religious freedom; another held out to the proprietaries a hope of

(1) See Lawson's Map. Martin, i. 142, 143.

(2) Williamson, i. 100.

revenue from colonial customs, to be imposed in colonial ports by Carolina legislatures; another gave them the power of erecting cities and manors, counties and baronies, and of establishing orders of nobility, with other than English titles. It was evident that the founding of a empire was contemplated; for the power to levy troops, to erect fortifications, to make war by sea and land on their enemies, and to exercise martial law in cases of necessity, was not withheld. Every favour was extended to the proprietaries; nothing was neglected but the interests of the English sovereign and the rights of the colonists.⁽¹⁾

Thus the most ample privileges and territories were conferred on the corporation of eight; had the lands been divided, each would have received a vast realm for his portion. Yet, when William Sayle, of the Summer Islands, who, long before, had attempted to plant a colony of Puritans from Virginia in the Bahama Isles,⁽²⁾ returned from a later voyage of discovery, which had embraced the isles in the Gulf of Florida,⁽³⁾ of these, too, the "Eleutheria" of a former day, then almost a desert, comprising the land in America on which Columbus first kneeled, and including all the islands within a belt of five degrees, possession was solicited and obtained.

With the new charters, the designs of the company expanded. The germs of colonies already existed; imagination encouraged in futurity every extravagant anticipation. It was deemed proper to establish a form of government commensurate in its dignity with the auspices of the colony and the vastness of the country; Clarendon was no longer in England; and Ashley Cooper, Earl of Shaftesbury, the most active and the most able of the corporators, was deputed to frame for the dawning states a perfect constitution, worthy to endure throughout all ages.

Shaftesbury was at this time in the full maturity of his genius; celebrated for eloquence, philosophic genius, and sagacity; high in power, and of aspiring ambition. Born to great hereditary wealth, the pupil of Prideaux had given his early years to the assiduous pursuit of knowledge; the intellectual part of his nature had from boyhood obtained the mastery over the love of indulgence and luxury. Connected with the great landed aristocracy of

(1) Carolina Charters, 4to. Reprinted often. Williamson, i. 230.

2 Winthrop, ii. 334, 335.

(3) Hewat's S. Carolina, i. 48.

England, cradled in politics, and chosen a member of parliament at the age of nineteen, his long public career was chequered by the greatest varieties of success. It is a very common error of the incurious observer, to attribute frequent change to statesmen who have held the helm in seasons of vicissitudes; and Shaftesbury, whose political career merits severe reprobation, has been charged with repeated derelictions. But men of great mental power, though they may often change the instruments which they employ, change their principles and their purposes rarely. The party connections of Shaftesbury were affected by the revolutions of the times; but he has been falsely charged with political inconsistency. He often changed his associates, never his purposes; (1) alike the enemy to absolute monarchy and to democratic influence, he resolutely connected his own aggrandizement with the privileges and interests of British commerce, of Protestant religious liberty, and of the landed aristocracy of England. In the Long Parliament, Shaftesbury acted with the people against absolute power; but, while Vane adhered to the parliament from love of popular rights, Shaftesbury adhered to it as the guardian of aristocratic liberty. Again, under Cromwell, Shaftesbury was still the opponent of arbitrary power. At the restoration, he would not tolerate an agreement with the king; such agreement, at that time, could not but have been democratic, and adverse to the privileges of the nobility; which, therefore, in the plenitude of the royal power, sought an ally against the people. When Charles II. showed a disposition to become, like Louis XIV., superior to the gentry as well as to the democracy, Shaftesbury immediately joined the party opposed to the ultra royalists, not as changing his principles, (2) but from hostility to the supporters of prerogative. The party which he represented, the great aristocracy of wealth, had to sustain itself between the people on one side, and the monarch on the other. The "nobility" was, in his view, the "rock" of "English principles;" (3) the power of the peerage, and of arbitrary monarchy, were "as two buckets, of which one goes down

(1) *Constantia, fide, vix parem alibi invenias, superiorem certe nullibi.* Locke's Epitaph on Shaftesbury. Locke, ix. 281.

(2) Peprs, i. 219. But Dryden writes: "Restless, unfixed in principles and place." This is true of his party connections, not his principles.

(3) "A Letter from a Person of Quality to his Friend in the Country," in Locke, x. 220, 242.

exactly as the other goes up.”(1) In the people of England, as the depository of power and freedom, Shaftesbury had no confidence; his system protected wealth and privilege; and he desired to deposit the conservative principles of society in the exclusive custody of the favoured classes. Cromwell had proposed, and Vane had advocated, a reform in parliament; Shaftesbury hardly showed a disposition to diminish the influence of the nobility over the lower house.(2)

Such were the political principles of Shaftesbury; and his personal character was analogous. He loved wealth without being a slave to avarice; and, though he would have made no scruple of “robbing the devil or the altar,”(3) he would not pervert the course of judgment, or be bribed into the abandonment of his convictions.(4) If, as lord chancellor, he sometimes received a present, his judgment was never suspected of a bias. Quick to discern the right, and careless of precedents, usages, and bar-rules, he was prompt to render an equitable decision. Everybody applauded, but the lawyers; they censured the contempt of ancient forms; the diminished weight of authority, and the neglect of legal erudition; the historians, the poets, common fame, even his enemies, declared that never had a judge possessed more discerning eyes, or cleaner hands;

“Unbribed, unbought, the wretched to redress,
Swift of despatch, and easy of access.”

In changing friendships, he never betrayed the confidence of former friends; and the changes were a consequence of his principles, not of his ambition. Even his enemies allowed, that, as a royalist minister, he might have “freely gathered the golden fruit;” but he disdained the monarch’s favour, and stood firmly by the vested rights of his order.

In person, he was small, and of that peculiar organization which is alike irritable and versatile. It belongs to such a man to have cunning, rather than wisdom; celerity, rather than dignity; the very high powers of abstraction and generalization, rather than the still higher power of

(1) Pepys, i. 219.

(2) “As to making Shaftesbury a friend to our ideas of liberty, it is impossible, at least in my opinion. Yet he is very far from being the devil he is described.” C. J. Fox. See introduction to Fox’s History of James II. p. 50.

(3) Pepys, i. 366.
(4) Evelyn, ii. 361, asserts positively that Shaftesbury did not advise the king to invade the exchequer. Lingard is severe in his judgment.

1 successful action. He transacted business with an ad-
2 mirable ease and mastery,(1) for his lucid understanding
3 delighted in general principles ; but he could not success-
4 fully control men, for he had neither conduct in the direc-
5 tion of a party, nor integrity in the choice of means. He
6 would use a prejudice as soon as an argument ; would
7 stimulate a superstition as soon as wake truth to the
8 battle ; would flatter a crowd or court a king. Having
9 debauched his mind into a contempt for the people, he
10 attempted to guide them by inflaming their passions.

11 This contempt for humanity punishes itself ; Shaftes-
12 bury was destitute of the healthy judgment which comes
13 from sympathy with his fellow-men. Alive to the force
14 of an argument, he never could judge of its effect on
15 other minds ; his subtle wit, prompt to seize on the mo-
16 tives to conduct, and the natural affinities of parties, could
17 not discern the moral obstacles to new combinations. He
18 had no natural sense of propriety ; he despised gravity,
19 as, what indeed it often is, the affectation of dulness ; and
20 thought it no condescension to charm by drollery. Him-
21 self without any veneration for prejudice or prescriptive
22 usage, he never could estimate the difficulty of abrogating
23 a form or overcoming a prejudice. His mind regarded
24 purposes and results ; and he did not so much defy ap-
25 pearances as rest ignorant of their power ; an indifference,
26 which, in some respects, was an immorality. Desiring to
27 exclude the Duke of York from the throne, no delicacy of
28 sentiment restrained him from proposing the succession to
29 the uncertain issue of an abandoned woman, who had
30 once been mistress to the king ; and he saw no cruelty in
31 urging Charles II. to a divorce from a confiding wife, who
32 had no blemish but barrenness.

The same want of common feeling, joined to a surprising
mobility, left Shaftesbury in ignorance of the energy of
religious convictions. Sceptics are apt to be superstitious ;
the organization that favours the moral restlessness of
perpetual doubt often superinduces a nervous timidity.
Shaftesbury was indifferent to religion ; his physical irri-
tability made him not indifferent to superstition. He
would not fear God, but he watched the stars ; he did not
receive Christianity, and he could not reject astrology.

Excellent in counsel, Shaftesbury was poor as an
executive agent. His restless spirit fretted at delay, and

(1) *Pepys*, i. 222 ; or *Shaftesbury*. Compare, also, North and Burnet.

grew feverish with impatient waiting. His eager impetuosity betrayed the designs of the poor dissimulator; and, when unoccupied, his vexed and anxious mind lost its balance, and planned desperate counsels. In times of tranquillity, the crafty intriguer was too passionate for success; but when the storm was really come, and old landmarks were washed away, and the wonted lights in the heavens were darkened, Shaftesbury was a daring and successful statesman; for he knew how to evolve a rule of conduct from general principles.

At a time when John Locke was unknown to the world, the sagacity of Shaftesbury had detected the deep riches of his mind, and selected him for a bosom friend and adviser in the work of legislation for Carolina. Locke was at this time in the midway of life, adorning the clearest understanding with the graces of gentleness, good humour, and beautiful ingenuousness. Of a sunny disposition, he could be choleric without malice, and gay without levity. Like the younger Winthrop, he was a most dutiful son. In dialectics he was unparalleled, except by his patron. His lucid mind despised the speculations of a twilight philosophy, esteeming the pursuit of truth the first object of life, and its attainment as the criterion of dignity; and therefore he never sacrificed a conviction to an interest. The ill success of the democratic revolution of England had made him an enemy to popular innovations. He had seen the commons of England incapable of retaining the precious conquest they had made; and being neither a theorist like Milton, nor a Tory like Tillotson, he cherished what at that day were called English principles: looking to the aristocracy as the surest adversaries of arbitrary power. He did not, like Sidney, sigh for the good old cause of a republic; nor, like Penn, confide in the instincts of humanity; but regarded the privileges of the nobility as the guarantees of English liberties. Emphatically free from avarice, he could yet, as a political writer, deify liberty under the form of wealth; to him slavery seemed no unrighteous institution; and he defines (1) "political power to be the right of making laws for regulating and preserving property." Destitute of enthusiasm of soul, he had no kindling love for ideal excellence. He abhorred the designs, and disbelieved the promises, of democracy; he could sneer at the enthusiasm

(1) Locke, of Civil. Gov. b. ii. c. i.

of Friends. Unlike Penn, he believed it possible to construct the future according to the forms of the past. No voice of God within his soul called him away from the established usages of England; and, as he went forth to lay the foundations of civil government in the wilderness, he bowed his mighty understanding to the persuasive influence of Shaftesbury.(1)

But the formation of political institutions in the United States was not effected by giant minds, or "nobles after the flesh." American history knows but one avenue to success in American legislation—freedom from ancient prejudice. The truly great lawgivers in our colonies first became as little children.(2)

In framing constitutions for Carolina, Locke forgot the fundamental principles of practical philosophy. There can be no such thing as a creation of laws; for laws are but the arrangement of men in society, and good laws are but the arrangement of men in society in their just and natural relations. It is the prerogative of self-government, that it adapts itself to every circumstance which can arise. Its institutions, if often defective, are always appropriate; for they are the exact representation of the condition of a people, and can be evil only because there are evils in society; exactly as a coat may suit an ill-shaped person. Habits of thought and action fix their stamp on the public code; the faith, the prejudices, the hopes of a people, may be read there; and, as knowledge advances, one prejudice after another, each erroneous judgment, each perverse enactment, yields to the embodied force of the common will. The method to success in legislating for Carolina, could only have been the counsels of the emigrants themselves.

The constitutions for Carolina merit attention as the only continued (3) attempt within the United States to connect political power with hereditary wealth. America was singularly rich in every form of representative government; its political experience was so varied, that, in

(1) Dedication to the Posthumous Pieces of Mr. John Locke.

(2) Bacon, Nov. Org. i. lxviii. *Intellectus ab idolis liberandus est, ut non alius sit aditus ad regnum, in scientiis, quam ad regnum celorum; in quod nisi sub persona, &c.*

(3) So, in 1698, April 11, a new form of the fundamental constitutions was agreed on; and article 7 asserts: "All power and dominion is most naturally founded in property." The two Charters, &c., p. 54,—a small 4to., printed without date.

modern European constitutions, hardly a method of constituting an upper or a popular house has thus far been suggested, of which the character and the operation had not already been tested in the history of our fathers. No one of the early colonies possessed a larger experience than Carolina; the disputes of a thousand years were crowded into a generation.

But few of the enfranchising principles which were then rapidly gaining a distinct existence, received at that time a just or a perverse application. Europe suffered from obsolete, but not inoperative laws; no statute of Carolina was to bind beyond a century. Europe suffered from the multiplication of law-books, and the perplexities of the law; in Carolina, not a commentary might be written on the constitutions, the statutes, or the common law. Europe suffered from the furies of English bigotry; Carolina promised, not equal rights, but toleration to "Jews, Heathens, and other dissenters," to "men of any religion." In other respects, "the interests of the proprietors," the desire of "a government most agreeable to monarchy," and the dread of "a numerous democracy," (1) are avowed as the sole motives for forming the fundamental constitutions of Carolina. The rights of the resident emigrants were less considered.

The proprietaries, as sovereigns, constituted a close corporation of eight—a number which was never to be diminished or increased. The dignity was hereditary: in default of heirs, the survivors elected a successor. Thus was formed an upper house, "a diet of Starosts," (2) self-elected and immortal.

For purposes of settlement, the almost boundless territory was to be divided into counties, each containing four hundred and eighty thousand acres. The creation of two orders of nobility, of one landgrave or earl, of two caciques or barons for each county, preceded the distribution of lands into five equal parts, of which one remained the inalienable property of the proprietaries, and another formed the inalienable and indivisible estates of the nobility. The remaining three-fifths were reserved for what was called the people; and might be held by lords of manors who were not hereditary legislators, but, like the nobility, exercised judicial powers in their baronial courts. The

(1) See the Preamble in Charters, &c. p. 33: in Martin, i. App. lxxi.
(2) Gillies' Arist. ii. 248.

number of the nobility might neither be increased nor diminished: election supplied the places left vacant for want of heirs; for, by an agrarian principle, estates and dignities were not allowed to accumulate.

The instinct of aristocracy dreads the moral power of a proprietary yeomanry; the perpetual degradation of the cultivators of the soil was enacted. The leet-men, or tenants, holding ten acres of land at a fixed rent, were not only destitute of political franchises, but were adscript to the soil; "under the jurisdiction of their lord, without appeal;" and it was added, "all the children of leet-men shall be leet-men, and so to all generations." (1)

Grotius, in a former generation, had defended slavery as a rightful condition; a few years later, and William Penn is said to have employed the labour of African bondmen; it is not surprising that John Locke could propose, without compunction, that every freeman of Carolina shall have absolute power and authority over his negro slaves.

By the side of the seignories, baronies, and manors, it was supposed that some freeholders would also be found; no elective franchise could be conferred on a freehold of less than fifty acres, and no eligibility to the parliament on a freehold of less than five hundred.

All executive power, and, in the last resort, all judiciary power, rested with the proprietaries themselves. The seven subordinate courts had each a proprietary for its chief; and of the forty-two counsellors of whom they were composed, twenty-eight were appointed by the proprietaries and the nobility. The judiciary was placed far beyond the reach of popular influence. To one aristocratic court was intrusted the superintendence of the press; and, as if not only men would submit their minds, but women their tastes, and children their pastimes, to a tribunal, another court had cognizance of "ceremonies and pedigrees," "of fashions and sports." (2) Of the fifty who composed the grand council of Carolina, fourteen only represented the commons, and of these fourteen, the tenure of office was for life.

The constitutions recognized four estates—the proprietaries, the landgraves, the caciques, and the commons. In the parliament, all the estates assembled in one chamber; apart from the proprietaries, who might appear by deputies, the commons elected four members for every three of

(1) Constitutions, sect. 22.

(2) Ibid. sect. 45.

the nobility; but the influence of a great landed aristocracy in controlling elections was already well understood; and none but large proprietaries were eligible to the parliament. An aristocratic majority might, therefore, always be relied upon; but, to prevent danger, three methods, reproduced, in part, in modern monarchical constitutions, were adopted: the proprietaries reserved to themselves a negative on all the proceedings of parliament; no subject could be proposed—an analogous clause existed in the charter granted by Louis XVIII. to France—except through the grand council; and in case of a constitutional objection to a law, either of the four estates might interpose a veto. Popular enfranchisement was made an impossibility. Executive, judicial, and legislative power were beyond the reach of the people.

A few singularities were in harmony with the great outlines of the system. In trials by jury, the majority decided; a rule fatal to the oppressed; for where moral courage is requisite for an honest verdict, more than a small minority cannot always be expected. — Another clause, which declared it “a base and vile thing to plead for money or reward,” could not but compel the less-educated classes to establish between themselves and the nobility the relation of clients and patrons. While every religion was tolerated, the church of England—it is the only clause engrafted upon the constitutions by the proprietaries against the wishes of Locke (1)—was declared to be the only true and orthodox, the national religion of Carolina, and, therefore, alone to receive public maintenance by grants from the colonial parliament.

Such were the constitutions devised for Carolina by Shaftesbury and Locke, by the statesman who was the type of the revolution of 1688, and the philosopher who was the antagonist of Descartes and William Penn. Several of our American writers have attempted to exonerate Locke from his share in the work which they condemn; but the constitutions, with the exception I have named, are in harmony with the principles of his philosophy, and with his theories on government. To his late old age he preserved with care the evidence (2) of his legislative labours, as a monument to his fame; and his

(1) Constitutions, sect. 96. Locke's Works, x. 194. *Life*, in i. xxv.—xxvi.

(2) An autograph is said to be in the Charleston library. See *Reports of the Historical Committee, &c.* 1835, p. 10.

admirers esteemed him the superior of the contemporary Quaker king, the rival of "the ancient philosophers," to whom the world had "erected statues."

The constitutions were signed in March, 1670, and 1670. in England became the theme of extravagant applause. "The model," said Blome,(1) in 1672, "is esteemed by all judicious persons without compare." "Empires," added an admirer of Shaftesbury, "will be ambitious of subjection to the noble government which deep wisdom has projected for Carolina;"(2) and the proprietaries believed they had set their seals to "a sacred and unalterable" instrument, which they fearlessly decreed should endure "for ever."

As far as depended upon the proprietaries, the government was immediately organized; and Monk, Duke of Albemarle, was constituted palatine. But the contrast between the magnificent model of a constitution and the humble settlements of Carolina, rendered the inappropriateness of the forms too ludicrously manifest. Was there room for a palatine and landgraves, for barons and lords of manors, for an admiralty court and a court of heraldry, among the scattered cabins between the Chowan and the ocean?

Albemarle had been increased by fresh emigrants 1665. from New England, and by a colony of ship-builders from the Bermudas,(3) who lived contentedly with Stevens 1667. as chief magistrate, under a very wise and simple form of government. A few words express its outlines: a council of twelve—six named by the proprietaries, and six chosen by the assembly; an assembly, composed of the governor, the council, and twelve delegates from the freeholders of the incipient settlements,—formed a government worthy of popular confidence. No interference from abroad was anticipated; for freedom of religion, and security against taxation, except by the colonial legislature, were solemnly conceded. The colonists were 1668. satisfied; the more so, as their lands were confirmed to them, by a solemn grant, on the terms which they themselves had proposed.(4)

The authentic record of the legislative history of North

(1) Blome's America, 138.

(2) W. Talbot's Dedication of Lederer's Discoveries. So, too, Wilson, in the Dedication, in 1682, to his tract on Carolina.

(3) Martin, i. 142.

(4) Williamson, i. 259. Martin, i. 146.

Carolina, begins with the autumn of 1669,⁽¹⁾ when the legislators of Albemarle, ignorant of the scheme which 1669. Locke and Shaftesbury were maturing, framed a few laws, which, however open to objection, were suited to the character, opinions, and manners of the inhabitants, and which, therefore, endured long after the designs of Locke were abandoned in despair. New settlements invite the adventurer and welcome the needy. The strictest rule for the recovery of debts, so much desired in mercantile communities, where large trusts are necessarily reposed in individuals, and where delay becomes a failure, was not suited to the less anxious lives and the universal hospitality of a purely agricultural community. The planter of Albemarle, giving a five years' security to the emigrant debtor, enacted that none should for five years be sued for any cause of action arising out of the country. Marriage was made a civil contract, requiring for its validity nothing more than the consent of parties before a magistrate with witnesses. New settlers were exempted from taxation for a year. Was it the care for peace, or the instinct of monopoly, which prohibited strangers from trading with the neighbouring Indians? As every adventurer who joined the colony received a bounty in land, frauds were checked by withholding a perfect title till the emigrant should have resided two years in the colony. The members of this early legislature probably received no compensation; to meet the expenses of the governor and council, a fee of thirty pounds of tobacco was exacted in every lawsuit. Such was the simple legislation of men, who, being destitute of fortune, had roamed in quest of it. The 1670. laws were sufficient, were confirmed by the proprietaries, were re-enacted in 1715, and were valid in North Carolina for more than half a century.⁽²⁾

Hardly had these few laws been established, when the new constitution was forwarded to Albemarle, and the 1670- governor was doomed to repeated fruitless attempts 1674. at its introduction. The nature of the people rendered its introduction impossible; and its promulgation did but favour anarchy by invalidating the existing system, which it could not replace. The proprietaries, contrary

(1) Chalmers, 525, 555, from proprietary papers, and therefore the nearest approach to original authority. Martin, i. 145, changes the date on inconclusive arguments. The assembly referred to in the grant of May 1, 1668, must have been an earlier assembly.

(2) Martin, i. 146.

to stipulations with the colonists, superseded the existing government; and the colonists resolutely rejected the substitute.

Far different was the welcome with which the people of North Carolina met the first messengers of religion.

From the commencement of the settlement, there seems not to have been a minister in the land; there was no public worship but such as burst from the hearts of the people themselves, if at times natural feeling took the form of words, and the planters hailed heaven as they went forth to the tasks of the morning. But man is by nature prone to religious impressions; and when at last William Edmundson came to visit his Quaker brethren among the groves of Albemarle, "he met with a tender people;"(1) delivered his doctrine "in the authority of truth," and made converts to the society of Friends. A quarterly meeting of discipline was established; and the sect, of which opposition to spiritual authority is the badge, was the first to organize a religious government in Carolina.(2)

In the autumn of the same year, George Fox, the father of the sect, the upright man, who could say of himself, "What I am in words, I am the same in life,"(3) travelled across "the great bogs" of the Dismal Swamp, commonly "laying abroad anights in the woods by a fire," till at last he reached a house in Carolina, and obtained the luxury of a mat by the fireside. Carolina had ever been the refuge of the Quakers and "renegadoes"(4) from ecclesiastical oppression; and Fox was welcomed to their safe asylum. The people "lived lonely in the woods," with no other guardian to their solitary houses than a watch-dog. There have been religious communities, which, binding themselves by a vow to a life of study and reflection, have planted their monasteries in the solitudes of the desert, on the place where they might best lift up their hearts to contemplative enjoyments. Here was a colony of men from civilized life, scattered among the forests, hermits with wives and children, resting on the bosom of nature, in perfect harmony with the wilderness of their gentle clime. With absolute freedom of conscience, benevolent reason was the simple rule of their conduct. Such was the people to whom George Fox explained the beautiful

(1) Fox's Journal, 453.

(3) Fox, 345.

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(2) Martin, i. 155, 156.

(4) Lord Culpepper, in Chalmers, 356.

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truth that gives vitality to his sect, "opening many things concerning the light and spirit of God that is in every one," without distinction of education or race. He became the guest of the governor of the province, who, with his wife, "received him lovingly." The plantations of that day were upon the bay, and along the streams that flow into it; the rivers and the inlets were the highways of Carolina; the boat and the lighter birchen skiff the only equipage; every man knew how to handle the oar; and there was hardly a woman in the land but could paddle a canoe.⁽¹⁾ As Fox continued his journey, the governor, having been admonished to listen to the voice of truth in the oracles of nature, accompanied him to the water's edge; and, as the chief magistrate of North Carolina and the envoy of humanity travelled together on foot through the ancient woods, it might indeed have seemed, far more than in the companionship of Shaftesbury and Locke, that the days of the legislation of philosophy were about to be revived. For, in the character of his wisdom, in the method of its acquisition by deep feeling, reflection, and travel, and in its fruits, George Fox far more nearly resembled the simplicity of the ancient sages, the peers of Thales and Solon, whom common fame has immortalized. From the house of the governor the traveller continued his journey to the residence of "Joseph Scot, one of the representatives of the country," where he had "a sound and precious meeting" with the people. His eloquence reached their hearts, for he did but assert the paramount value of the impulses and feelings which had guided them in the wilderness. George Fox "had a sense of all conditions;" for "how else could he have spoken to all conditions?"⁽²⁾ At another meeting, "the chief secretary of the province," who "had been formerly convinced," was present; and Fox became his guest, yet not without "much ado;" for, as the boat approached his plantation, it grounded in the shallow channel, and could not be brought to shore. But a little skiff shot promptly to the traveller's relief; the wife of the secretary of state came herself in a canoe, and brought him to her hospitable home.

As Fox turned again towards Virginia, he could say that he had found the people of North Carolina "generally

(1) Compare Lawson, 84. So, too, Brickell's *Natural Hist. of N. C.* p. 33.

(2) Fox, 65. The visit to Carolina, at pp. 458, &c. Philadelphia, stereotype edition.

tender and open;" and that he had made among them "a little entrance for truth." If the introduction of the constitutions of Locke had before been difficult, it was now become impossible.

While it was thus practically uncertain what was the government of North Carolina, the country was left 1674. without a governor by the death of Stevens. The assembly, conforming to a prudent instruction of the proprietaries, elected a successor; and Cartwright, their 1674- speaker, acted for two years at the head of the ad- 1676. ministration. But the difficulty of introducing the model did not diminish; and, having failed to preserve order, Cartwright resolved to lay the state of the country before the proprietaries, and embarked for England. At the same time, the representatives of Albemarle sent 1676. Eastchurch, the new speaker of their assembly, to explain their grievances.

It marks, in some measure, a good disposition in the proprietaries, that they selected Eastchurch, the messenger from the colony, to be its governor; but Miller, whom the colonists had formerly driven into Virginia, was at the same time appointed secretary of the province and collector of the customs; and the constitutions and Act of Navigation could never be acceptable.

There was little direct commerce between Albemarle and England; the new officers embarked for Carolina by way of the West Indies, where Eastchurch remained for a season; while Miller proceeded to the province, in 1677. which he was now to hold the triple office of president or governor, secretary, and collector.

The government had for about a year been left in what royalists called "ill order and worse hands;" (1) that is, it had been a government of the people themselves, favouring popular liberty, even to the protection of the friends of colonial independence. The suppression of a fierce insurrection of the people of Virginia, had been followed by the vindictive fury of ruthless punishments; and "run-aways, rogues, and rebels," that is to say, fugitives from arbitrary tribunals, non-conformists, and friends to popular liberty, "fled daily to Carolina, as their common subterfuge and lurking-place." Did letters from the government of Virginia demand the surrender of leaders in the rebel-

(1) Proprietaries, in Williamson, i. 262.

lion, Carolina refused to betray the fugitives who sought shelter in her forests.(1)

The presence of such emigrants made oppression more difficult than ever; but here, as throughout the colonies, the Navigation Acts were the cause for greater restlessness and more permanent discontent. And never did national avarice exhibit itself more meanly than in the relations of English legislation to North Carolina. The whole state hardly contained four thousand inhabitants;(2) a few fat cattle, a little maize, and eight hundred hogsheads of tobacco, formed all their exports; their humble commerce had attracted none but small vessels from New England; and the mariners of Boston, guiding their vessels through the narrow entrances of the bay, brought to the doors of the scattered planters the few foreign articles which the exchange of their produce could purchase. And yet this inconsiderable traffic, so little alluring, but so convenient to the colonists, was envied by the English merchant; the law of 1672 was now to be enforced; the traders of Boston were to be crowded from the market by an unreasonable duty; and the planters to send their harvests to England as they could.(3)

How unwelcome, then, must have been the presence of Miller, who levied the hateful tribute of a penny on every pound of tobacco exported to New England! A jealousy of the northern colonies was also fostered; "they cannot," it was urged,(4) "be friends to the prosperity of Carolina, which will certainly in time render them inconsiderable." But the antiquated prejudices of Europe were not to gain entrance beyond the Atlantic; and never did one American colony repine at the increase of another. The traffic with Boston continued, though burdened with a tax which produced an annual revenue of twelve thousand dollars—an enormous burden for the petty commerce and the few inhabitants of that day. Nor was this all; the traders were exposed to so much violence and harshness from Miller, that they were with difficulty persuaded not to abandon the country.

(1) Berry and Morrison, in Burk's Virginia, ii. 259. Martin, i. 166, interprets runaways to mean negroes. The whole tenor of the document and the context hardly favours his interpretation; runaways seem to have been fugitives from what the royalists called justice.

(2) Chalmers, 533.

(3) Martin, i. 167.

(4) Chalmers, 534.

The planters of Albemarle were men who had been led to the choice of their residence from a hatred of restraint, and had lost themselves among the woods in search of independence. Are there any who doubt man's capacity for self-government, let them study the history of North Carolina; its inhabitants were restless and turbulent in their imperfect submission to a government imposed on them from abroad; the administration of the colony was firm, humane, and tranquil when they were left to ^{1678.} take care of themselves. Any government but one of their own institution was oppressive.

The attempt at enforcing the Navigation Acts hastened an insurrection, which was fostered by the refugees from Virginia and the New England men; and which, having been the effect of deliberate contrivance, (1) was justified by the first American manifesto. It became the disciples of George Fox and the people of Carolina to act in harmony with their consciences, and to publish to the world the motives to their conduct. Excessive taxation, an abridgment of political liberty by the change in the form of government, with the "denial of a free election of an assembly," and the unwise interruption of the natural channels of commerce, were the threefold grievances of the colony. The leader in the insurrection was John Culpepper, one of those "very ill men" who loved popular liberty, and whom the royalists of that day denounced as having merited "hanging, for endeavouring to set the poor people to plunder the rich." (2) One of the counselors joined in the rebellion; (3) the rest, with Miller, were imprisoned; "that thereby the country may have a free parliament, and may send home their grievances." (4) The events that followed prove the sincerity of this plea; for North Carolina was much infected with that passion for representative government, which was the epidemic of America. Having deposed and imprisoned the president and the deputies of the proprietaries, and set at nought the acts of parliament, the people recovered from anarchy, tranquilly organized a government, and established courts of justice. The insurrection was a deliberate rising of the people against the pretensions of the proprietaries and the

(1) Papers in Williamson, i. 265.

(2) Williamson, i. 263.

(3) Ibid. 266.

(4) Manifesto: "The president hath denied a free election of an assembly." This, Williamson, i. 134, classes among weak and flimsy arguments. Why should an apologist for Bacon clamour against Culpepper?

laws of navigation; the uneducated population of that day formed conclusions as just as those which a century later pervaded the country. Eastchurch arrived in Virginia; but his commission and authority were derided; and he himself was kept out by force of arms; (1) while the insurgents, among whom was George Durant, the oldest landholder in Albemarle, having completed 1679. their institutions, sent Culpepper and another to England to negotiate a compromise. It proves in Culpepper a conviction of his own rectitude, that he did not hesitate to accept the trust.

But the late president and his fellow-sufferers, having escaped from confinement in Carolina, appeared also in England with adverse complaints. To a struggle between the planters and the proprietaries, the English public had been indifferent; but Miller presented himself as the champion of the Navigation Acts, and enlisted in his favour the jealous anger of the mercantile cities. Culpepper, just as he was embarking for America, was taken into custody, and his interference with the collecting of duties, which he was charged with embezzling, and which there is no reason to believe he had applied to other than public purposes, stimulated a prosecution; while his opposition to the proprietaries was held to justify an indictment for an act of high treason, committed without the realm.

A statute of Henry VIII. (2) was the authority for arraigning a colonist before an English jury—an act of tyranny against which Culpepper vainly protested, claiming “to be tried in Carolina, where the offence was committed.”

—“Let no favour be shown him,” (3) said Lauderdale and the lords of the plantations. But when he was 1680. brought up for trial, Shaftesbury, who at that time was in the zenith of popularity, courted every form of popular influence, and, with clear sagacity, penetrated the injustice of the accusation, appeared in his defence and procured his acquittal. (4) Thus was the insu-

(1) Williamson, i. 264.

(2) 35 Henry VIII. c. 2.

(3) Report in Williamson, i. 266.

(4) Chalmers, 537, and documents. Martin, i. 170, 171. Williams i. 133. Chalmers, with great consistency, condemned Culpepper, just he condemned Bacon and Jefferson, Hancock and John Adams. But Williamson has allowed himself to be confused by the judgment of royal and, vol. i. p. 136, calls the fathers of North Carolina a set of “rioters robbers.” Shaftesbury and the English jury were more just than the torian. The fact that George Durant, one of the earliest settlers, concerned in the insurrection, identifies it with the genuine people, inhabitants of Carolina.

rection in Carolina excused by the verdict of an English jury.

But how should the proprietaries establish their authority in the plantations? Should they send an armed force to hunt the planters from their houses? The proprietaries had for the motive of their conduct the love of gain; and a violent government would have been too costly and unproductive an enterprise. Avarice, therefore, compelled 1679, moderation; and a compromise was offered. But a 1680, compromise was the confession of weakness. It was a natural expedient to send one of the proprietaries themselves to look after the interests of the company; and Seth Sothel, who had purchased the rights of Lord Clarendon, was selected for the purpose. But Sothel, on his voyage, was taken captive by the Algerines.

Meantime, the temporary government of Carolina, 1679- 1682, under Harvey, Jenkins, and Wilkinson, had been abandoned, or intrusted by the proprietaries to the friends of the insurgents. I find the name of Robert 1680, Holden,(1) Culpepper's associate and colleague, as receiver-general, while "the traitor, George Durant,"(2) quietly discharged the duty of a judge. "Settle order amongst yourselves,"(3) wrote the proprietaries; and 1681, order had already been settled by the wise moderation of the government.(4) Would the disciples of Fox subscribe to the authority of the proprietaries? 1680, "Yes," they replied, "with heart and hand, to the best of our capacities and understandings, so far as is consonant with God's glory and the advancement of his blessed truth;"(5) and the restricted promise was 1681, accepted. An act of amnesty, on easy conditions, was adopted; but the feeling of personal independence, and the very nature of life in the New World, were firmer guarantees of security than all promises of pardon.

(1) MSS. communicated to me by D. L. Swain.

(2) Same manuscripts.

(3) Chalmers, 539.

(4) I narrowly escaped being deceived by the passage in Martin, i. 173: "President Harvey, whom he (Wilkinson) relieved," &c. How could a man write so carelessly and so positively? Harvey was president but a few months; and "those implicated in the late revolt" were the dominant party. It is not history which is treacherous, but hasty writers, who are credulous and careless. I was saved from trusting Martin by Williamson, i. 137, who speaks of John Jenkins as governor; and still more by MSS. liberally furnished me by the late governor of North Carolina. Harvey had ceased to be governor in June, 1680.

(5) MSS. from D. L. Swain, copied from the records of *Bethlehem Precinct*.

It is said that the popular administration did not wholly refrain from persecuting the few royalists in the province ;(1) but, if complaints were made, no act of injustice appears to have required the rebuke of the proprietaries, or the censure of the sovereign. It is certain,

that Sothel, on reaching the colony, found tranquillity ^{1683.} established. The counties were quiet and well regulated, because not subjected to a foreign sway; the planters, in peaceful independence, enjoyed the goodwill of the wilderness. Sothel arrived, and the scene was changed.

Sothel was of the same class of governors with Cranfield of New Hampshire. He was one of the eight proprietaries, and had accepted the government in the hope of acquiring a fortune. From among many as infamous as himself, historians have selected him as the most infamous.(2) Many colonial governors displayed rapacity and ¹⁶⁸³⁻ extortion towards the people; Sothel cheated his ^{1688.} proprietary associates, as well as plundered the colonists. To the colonists he could not be acceptable, for it was his duty to establish the constitutions, and enforce the Navigation Acts. To introduce the constitutions was impossible, unless for one who could transform a log cabin into a baronial castle, a negro slave into a herd of leet-men. And how could one man, without soldiers, and without a vessel of war, enforce the Navigation Acts? Having neither the views nor the qualities of a statesman, Sothel had no higher purpose than to satiate his sordid passions; and, like so many others, employed his power to gratify his covetousness, by exacting unjust fees, or by engrossing traffic with the Indians. His object was money; he valued his office as the means of gaining it. That the charges against him are vague, extending in no case to loss of life, or to any specific act of cruelty, seems to prove that his avarice was not singularly exorbitant. Had he done much more than practise the usual arts of exaction with which nearly every royal province was becoming

(1) The passage in Chalmers, 539, nearly resembles many similar ones in his volume. His account, in all cases of the kind, must be received with great hesitancy. The colouring is always wrong; the facts usually perverted. He writes like a lawyer and a disappointed politician; not like a calm inquirer. His statements are copied by Graham, obscured by Martin, and, strange to say, exaggerated by Williamson, i. 138.

(2) Chalmers, 539. All are agreed in the sordid worthlessness of Sothel. But Williamson, i. 270, must be compared with Williamson, i. 209, 210, where an accuser of Sothel is himself proved before a jury to have been "a cheating rogue."

familiar? But the people of North Carolina, already experienced in rebellion, having borne with him about five years, at length deposed him without bloodshed, and appealed once more to the proprietaries. It is conclusive proof that Sothel had committed no acts of wanton wickedness, that he preferred a request to submit his case to an assembly, fearing the colonists, whom he had pillaged, less than the men whom he had betrayed. His request was granted, and the colony condemned him to a twelve months' exile, and a perpetual incapacity for the government.(1)

Here was a double grief to the proprietaries; the rapacity of Sothel was a breach of trust; the judgment of the assembly an ominous usurpation. The planters of North Carolina recovered tranquillity so soon as they escaped the misrule from abroad; and, sure of amnesty, esteemed themselves the happiest people on earth. They loved the pure air and clear skies of their "summer land." (2) True, there was no fixed minister in the land till 1703; (3) no church erected till 1705; no separate building for a court-house till 1722; no printing-press till 1754. (4) Careless of religious sects, or colleges, or lawyers, or absolute laws, the early settlers enjoyed liberty of conscience and personal independence; freedom of the forest and of the river. The children of nature listened to the inspirations of nature. From almost every plantation they enjoyed a noble prospect of spacious rivers, of pleasant meadows, enamelled with flowers; of primeval forests, where the loftiest branches of the tulip-tree or the magnolia were wrapped in jasmines and honeysuckles. For them the wild bee stored its honey in hollow trees; for them unnumbered swine fattened on the fruits of the forest or the heaps of peaches; for them, in spite of their careless lives and imperfect husbandry, cattle multiplied on the pleasant savannahs; and they desired no greater happiness than they enjoyed. (5) What though Europe was rocked to its centre by commotions? What though England was changing its constitution? Should the planter of Albemarle trouble himself for Holland or France? for James II. or William of Orange? for a popish party or

(1) Compare Chalmers, 539, 540. Williamson, i. 136—141; Martin, i. 176, 186. Hewat, i. 103, 104, writes confusedly.

(2) Lawson, 63, 80.

(4) Thomas's History of Printing, ii. 150.

(3) Martin, i. 218, 219.

(5) Brickell, 32, 46, 91, 154, 256, 259.

a high church party? Almost all the American colonies were chiefly settled by those to whom the uniformities of European life were intolerable; North Carolina was settled by the freest of the free; by men to whom the restraints of other colonies were too severe; they were not so much caged in the woods as scattered in lonely granges. There was neither city nor township; there was hardly even a hamlet, or one house within sight of another; nor were there roads, except as the paths from house to house were distinguished by notches in the trees.(1) But the settlers were gentle in their tempers, of serene minds, enemies to violence and bloodshed. Not all the successive revolutions had kindled vindictive passions; freedom, entire freedom, was enjoyed without anxiety as without guarantees; the charities of life were scattered at their feet, like the flowers on their meadows; and the spirit of humanity maintained its influence in the Arcadia, as royalist writers will have it, "of rogues and rebels," in the paradise of Quakers.

Of South Carolina, the first settlement was founded by the proprietaries, and resembled in its origin an investment of capital by a company of land-jobbers, who furnished the emigrants with the means of embarking for America, established on its shores their own commercial agent, and undertook for themselves the management of all commercial transactions. But success attended neither the government which they instituted, nor the industry which they fostered. Self-government, in private labours and in public administration, alone possesses the elasticity which can have due reference to the materials of society, and adapt itself to every emergency and condition. South Carolina was a scene of turbulence till the constitutions were abandoned; and industry was unproductive till the colonists despised patronage and relied on themselves.

It was in January, 1670, more than a month before 1670. the Grand Model was signed, a considerable number of emigrants set sail for Carolina, which, both from climate and soil, was celebrated in advance as "the beauty and envy of North America." (2) They were conducted by Joseph West, as commercial agent for the proprietaries, and by William Sayle, who was probably a Presbyterian, and having more than twenty years before made himself

(1) Brickell, 262, 263.

(2) Talbot, in dedication of *Lashers*.

known as leader in an attempt to plant an "Eleutheria" in the isles of the Gulf of Florida, was now constituted a proprietary governor, with jurisdiction extending as far north as Cape Carteret, as far south as the Spaniards would tolerate. Having touched at Ireland and Bermuda,⁽¹⁾ the ships which bore the company entered the well-known waters where the fleet of Ribault had anchored, and examined the site where the Huguenots had engraved the lilies of France, and erected the fortress of Carolina.⁽²⁾ But the vicinity of Beaufort was not destined to harbour the first colony of the English; the emigrants, after short delay,⁽³⁾ sailed into Ashley River, and on "the first high land," in a spot that seemed "convenient for tillage and pasturing," the three⁽⁴⁾ ship-loads of emigrants, who as yet formed the whole people of South Carolina, selected their resting-place, and began their first town. Of this town not a vestige remains, except the line of a moat, which served as a defence against Indians. Every log-house has vanished, and the site is absorbed in a plantation.⁽⁵⁾ Yet, few as were the settlers, who had come to take possession of the vast hunting-grounds of the natives, no immediate danger was apprehended; epidemic sickness and sanguinary wars had swept away the ancient tribes, and left the neighbouring coasts almost a desert.⁽⁶⁾

An historian of South Carolina⁽⁷⁾ has related, that the emigrants at first submitted to "a species of military government." This is error. The emigrants had hardly landed, before they instituted a government on the basis of liberty. An unfinished copy of the fundamental constitutions had been furnished them; but it was indeed

(1) Chalmers, 529, says Barbadoes; perhaps inadvertently. Dalcho, Hist. of Prot. Ep. Church in S. C., p. 9, shows it to have been Bermuda. Dalcho is very useful for the early history of S. C., and is more scrupulous than Ramsay.

(2) Ramsay, i. 34 and 2.

(3) Ramsay says, i. 2, in 1671. He is in error. See Dalcho, 9. See, also, Dalcho, p. 10, where it appears that, May 1, 1671, it was known in England that the colony had planted on Ashley River. There is no evidence that the ships did more than sail into the harbour of Port Royal, and, after a survey, sail out again. Chalmers, 530, favours the error into which Ramsay subsequently fell. Wilson, in his Carolina, p. 7, says nothing of Port Royal. "Ashley River first settled in 1670."

(4) Wilson's Carolina, 7.

(5) Drayton's S. Carolina, 200.

(6) Archdale's Carolina, 2. I am indebted to P. Ravenel, of Charleston, a descendant of the Huguenots, for this work, and other valuable materials.

(7) Ramsay, i. §4, 35. The error is clearly refuted in Dalcho, 11 and 18. Compare Chalmers, 529.

impossible "to execute the grand model." As early might trees have been turned into cathedrals, or castles, at a word, erected in those solitary groves on the savannahs, that resembled the parks in England; (1) the laws of the moral world are unyielding. A parliamentary convention was held; five members of the grand council were elected to act with five whom the proprietaries had appointed; the whole body possessed a veto on the executive; and, with the governor and twenty delegates, who were now elected by the people, constituted the legislature of the province. Representative government was established, and continued to be cherished. In 1672, all previous parliaments and parliamentary conventions were dissolved; for the colonists, now rapidly increasing, demanded "a new parliament." Such was the government which South Carolina instituted for herself; it did not deem it possible to conform more closely to the constitutions. But the proprietaries indulged the vision of realizing their introduction. John Locke, with Sir John Yeamans and James Carteret, was created a landgrave; and a complete copy of the 1671. Model was sent over, with a set of rules and instructions. But Shaftesbury misjudged; there was already a people in South Carolina; and if the aristocratic council acknowledged the validity of the constitutions, they were firmly resisted by the popular representatives. Thus the organization of the commonwealth contained a political feud, and led to the party of the proprietaries and the party of the people; religious divisions combining with political feuds, the friends of the High Church, always a minority, favoured the former, while all classes of dissenters united with the latter.

Every early settlement is necessarily attended with great privations; the planting of Carolina did not encounter unusual hardships. The enterprising mind of Shaftesbury applied itself with zeal wherever he was interested; and, though the colony was at one moment so disheartened as to meditate desertion, the timely arrival of supplies scattered the clouds of despondency. (2) The Indians, though few, were unfriendly; and it was with arms at hand that the emigrants gathered oysters, or swept the rivers, or toiled at building. The labours of agriculture in the sultry clime were appalling to English-

(1) Wilson's Carolina, 11.

(2) Howell, 1. 12.

men; neither did the culture of European grains promise to be successful; but extreme distress did not ensue; and the proprietaries showed no intention of abandoning their plantation.

The first site for a town had been chosen without regard to commerce. The point between the two rivers, to which the names of Shaftesbury (1) were given, soon attracted attention; those who had purchased grants there, desirous of obtaining neighbours, willingly offered to 1672. surrender one half of their land as "commons of 680. pasture." The offer was in part refused; but the neck of land then called Oyster Point, soon to become a 1783. village named from the reigning king, and, after more than a century, incorporated as the city of Charleston, immediately gained a few inhabitants; and on the spot where opulence now crowds the wharfs of the 1672. most prosperous mart on our southern seaboard, among ancient groves that swept down to the rivers' banks, and were covered with the yellow jasmine, which burdened the vernal zephyrs with its perfumes, the cabins of graziers began the city. Long afterwards, the splendid vegetation which environs Charleston, especially the pine, and cedar, and cypress trees along the broadroad which is now Meeting-street, delighted the observer by its perpetual verdure. (2) The settlement, though for some years it struggled against an unhealthy climate, (3) steadily increased; and to its influence is in some degree to be attributed the love of letters, and that desire of institutions for education, for which South Carolina was afterwards distinguished.

The institutions of Carolina were still further modified by the character of the emigration that began to throng to her soil.

The proprietaries continued to send emigrants, who 1671. were tempted by the offer of land (4) at an easy quit-rent. Clothes and provisions were distributed to those who could not provide themselves.

From Barbadoes arrived Sir John Yeamans, with African slaves. (5) Thus the institution of negro slavery is coeval with the first plantations on Ashley River. Of

(1) Wilson's Carolina, 7. Carolina, by T. A., 1682, p. 37. "Shaftesbury a great patron to Carolina."

(2) Dalcho, 15—20. Archdale.

(3) Ramsay, ii. 70. Chalmers, 541.

(4) Chalmers, 529. Dalcho, 19.

(5) Dalcho, 13. Hewat, i. 53.

the original thirteen states, South Carolina alone was from its cradle essentially a planting state with slave labour. In Maryland, in Virginia, the custom of employing indented servants long prevailed; and the class of white labourers was always numerous; for nowhere in the United States is the climate more favourable to the Anglo-Saxon labourer than in Virginia. It was first observed that the climate of South Carolina was more congenial to the African than that "of the more northern colonies;" (1) and at once it became the great object of the emigrant "to buy negro slaves, without which," adds Wilson, "a planter can never do any great matter." Every one of the colonies received slaves from Africa within its borders; the Dutch merchants, who engaged in planting New York, were largely interested in the slave trade, and covenanted to furnish emigrants to that colony with all the negroes they might desire; but the severity of the climate in some measure defeated this purpose. In South Carolina, the labour of felling the forests, of tilling the soil, was avoided by the white men; the climate favoured the purposes of commercial avarice; and the negro race was multiplied so rapidly by importation that in a few years, we are told, the blacks were to the whites in the proportion of twenty-two to twelve; a proportion that had no parallel north of the West Indies.

The changes that were taking place on the banks of the Hudson, had excited discontent; the rumour of wealth to be derived from the fertility of the south, cherished the desire of emigration; and almost within a year from the arrival of the first fleet in Ashley River, two ships came with Dutch emigrants from New York, and were subsequently followed by others of their countrymen from Holland. (4)

Imagination already regarded Carolina as the chosen spot for the culture of the olive; and, in the region where flowers bloom every month in the year, forests of orange trees were to supplant the groves of cedar; silkworms to be fed from plantations of mulberries; and choicest wines to be ripened under the genial influences of

(1) Wilson's Carolina, 15.

(3) *Ibid.* 1

(2) Letter from South Carolina, by a Swiss gentleman, p. 40.

(4) Hewat, i. 73. More definite, Dalcho, p. 12. Ramsay, i. 4, same date. The voyage was in 1671, not in 1674.

■ nearly tropical sun. For this end, Charles II., with an
 ■ almost solitary instance of munificence towards the colony,
 ■ provided at his own expense two small vessels, to trans-
 ■ port to Carolina a few foreign Protestants, who might there
 ■ domesticate the productions of the south of Europe.(1)

■ 1670- From England, also, emigrations were consider-
 ■ 1688. able. The character of the proprietaries was a suffi-
 ■ cient invitation to the impoverished Cavalier; and the un-
 ■ fortunate of the church of England could look to the
 ■ shores of Carolina as the refuge where they were assured
 ■ of favour. Even Shaftesbury, when he was committed
 ■ 1681. to the Tower, desired leave to expatriate himself, and
 ■ become an inhabitant of Carolina.(2)

■ Nor did churchmen alone emigrate. The condition of
 ■ dissenters in England was no longer a state of security or
 ■ liberty; and the promise of equal immunities tempted
 ■ many of them beyond the Atlantic, to colonies where their
 ■ worship was tolerated, and their civil rights asserted. Of
 ■ these, many were attracted to the glowing clime of
 ■ Carolina, carrying with them intelligence, industry, and
 ■ sobriety. A contemporary historian commemorates
 ■ 1688. with singular praise the company of dissenters from
 ■ Somersetshire, who were conducted to Charleston by
 ■ Joseph Blake, brother to the gallant admiral, so cele-
 ■ brated for naval genius and love of country. Blake was
 ■ already advanced in life; but he could not endure the pre-
 ■ sent miseries of oppression, and feared still greater evils
 ■ from a popish successor;(3) and he devoted to the ad-
 ■ vancement of emigration all the fortune which he had in-
 ■ herited as the fruits of his brother's victories. Thus the
 ■ plunder of the wealth of New Spain assisted to people
 ■ Carolina.

A colony of Irish, under Ferguson, were lured by the
 fame of the fertility of the south, and were received with
 so hearty a welcome, that they were soon merged among
 the other colonists.(4)

The condition of Scotland, also, compelled its inhabi-
 tants to seek peace by abandoning their native country.
 Just after the death of Shaftesbury, a scheme, which had
 been concerted during the tyranny of Lauderdale, was

(1) Chalmers, 541. Ramsay, ii. 5. Carolina, by T. A., pp. 8, 9.

(2) Lingard's England, xiii. c. vii.

(3) Oldmixon, i. 387, 398, and 341. Oldmixon is here good authority.
 Compare Hewat, i. 89.

(4) Chalmers, 543.

revived. Thirty-six noblemen and gentlemen had entered into an association for planting a colony in the New World; their agents had contracted with the patentees of South Carolina for a large district of land, where Scottish exiles for religion might enjoy freedom of faith and government of their own.⁽¹⁾ Yet the design was never completely executed. A gleam of hope of a successful revolution in England, led to a conspiracy for the elevation of Monmouth. The conspiracy was matured in London under pretence of favouring emigration to America; and its ill success involved its authors in danger, and brought Russell and Sydney to the scaffold. It was, therefore, with but a small colony, that the Presbyterians

1684. Lord Cardross, many of whose friends had suffered imprisonment, the rack, and death itself, and who had himself been persecuted under Lauderdale,⁽²⁾ set sail for Carolina. But even there the ten families of outcasts found no peace. They planted themselves at Port Royal;⁽³⁾ the colony of Ashley River claimed over them a jurisdiction which was reluctantly conceded. Cardross returned to Europe, to render service in the approaching revolution; and the Spaniards, taking umbrage at a plantation established on ground which they claimed as a dependency of St. Augustine, invaded the frontier settlement, and 1686. laid it entirely waste. Of the unhappy emigrants, some returned to Scotland; some mingled with the earlier planters of Carolina.⁽⁴⁾

More than a hundred years had elapsed since Coligny, with the sanction of the French monarch, had selected the southern regions of the United States as the residence of Huguenots. The realization of that design, in defiance of the Bourbons, is the most remarkable incident in the early history of South Carolina, and was the result of a persecution, which not only gave a great addition to the intelligence and moral worth of the American colonies, but, for Europe, hastened the revolution in the institutions of the age.

John Calvin, by birth a Frenchman, was to France the apostle of the reformation; but his faith had ever been feared as the creed of republicanism; his party had been

(1) Wodrow, ii. 230. Laing, iv. 133.

(2) Laing, iv. 72.

(3) Ramsay says, in 1682.

(4) Archdale, 14. Hewat, i. 89. Chalmers, 547, 548. Ramsay, i. 127. Laing, iv. 187.

pursued as the sect of rebellion ; and it was only by force of arms, that the Huguenots had obtained a conditional toleration. Even the edict of Nantz placed their security, not on the acknowledgment of the permanent principle of legislative justice, but on a compromise between contending parties. It was but a confirmation of privileges which had been extorted from the predecessors of Henry IV. And yet it was the harbinger of religious peace ; so long as the edict of Nantz was honestly respected, the Huguenots of Languedoc were as tranquil as the Lutherans of Alsace. But their tranquillity invited from their enemies a renewal of attacks ; no longer a powerful faction, they were oppressed with rigour ; having ceased to be feared, they were exposed to persecution.

When Louis XIV. approached the borders of age, he was troubled by remorse ; the weakness of superstition succeeded to the weakness of indulgence ; and the flat-teries of bigots, artfully employed for their own selfish purposes, led the vanity of the monarch to seek, in making proselytes to the church, a new method of gaining glory, and an atonement for the voluptuous profligacy of his life. Louis was not naturally cruel, but was an easy dupe of those in whom he most confided—of priests, and of a woman. The daughter of an adventurer,—for nearly ten years of childhood a resident in the West Indies, educated a Calvinist, but early converted to the Roman faith,—Madame de Maintenon had, in the house of a burlesque poet, learned the art of conversation, and, in the intimate society of Ninon de l'Enclos, had studied the mysteries of the passions. Of a clear and penetrating mind, of a calculating judgment, which her calm imagination could not lead astray, she never forgot her self-possession in a generous transport, and was never mastered even by the passions which she sought to gratify. Already advanced in life when she began to attract the attention of the king, whose character she profoundly understood, she sought to enthrall his mind by the influences of religion ; and, becoming herself devout, or feigning to be so, always modest and discreet, she knew how to awaken in him compunctions which she alone could tranquillize, and subjected his mind to her sway by substituting the sentiment of devotion for the passion of love. The conversion of the Huguenots was to excuse the sins of his earlier years. They, like herself, were to become reconciled to the church ; yet

not by methods of violence. Creeds were to melt away in the sunshine of favour, and proselytes to be won by appeals to interest.

Huguenots were, therefore, to be employed no longer in public office; they were, as far as possible, excluded from the guilds of tradesmen and mechanics; and a Calvinist might not marry a Roman Catholic wife. Direct bribery was also employed; converts were purchased; and, as it seemed not unreasonable that, where money is paid, a bargain should be fulfilled, severe laws punished a relapse.

The multitude may always defend itself against the pride of any one, by claiming for itself a collective wisdom superior to that of the wisest individual. The same is true of the moral qualities; there exists in the many a force of will which no violence can break, a firmness of conviction which no bribery can undermine. The first methods of conversion were fruitless. Strange human nature! In men who had taken a bribe for conversion, there often remained a principle strong enough to sustain them in returning to their first opinions, and in suffering for them.

Proselytism next invaded the most sacred rights of human nature, and children of seven years old were invited to abjure the faith of their fathers. The Huguenots began to emigrate; for their industry and skill made them welcome in every Protestant country; and Louis, desiring to convert, not to expel, his subjects, forbade emigration, under penalty of the galleys. The ministers of the Calvinists were now tormented; their chapels were arbitrarily razed; their funds for charitable purposes confiscated; their schools shut up; their civil officers disfranchised. Did cruel oppression produce disobedience? The rack and the wheel gave to Huguenots their martyrs.

At court, the triumph of the widow of Scarron, aided by the confessors, seemed complete; but Louvois, the ambitious minister of war, could not brook this superior influence; and, since the conversion of Huguenots was the path to the monarch's favour, he resolved to enlist the military resources of France in the service, and to "dragoon" the Calvinists into a reverence for the church.

1684. Instead of missionaries, soldiers were now sent into Calvinistic districts, to be quartered in Protestant families, and to torment them into conversion. Meantime, emigration was a felony, and the frontiers were carefully

guarded to prevent it. The hounds were let loose on game shut up in a close park. Here was an invention which multiplied tyranny indefinitely, and lodged its lustful and ferocious passions under every roof, within the secret recesses of every family.

At length, the edict of Nantz was formally revoked. 1685. Calvinists might no longer preach in churches or in the ruins of churches; all public worship was forbidden them; and the chancellor Le Tellier could shout aloud, "Now, Lord, lettest thou thy servant depart in peace;" even the eloquent Bossuet, in false rhetoric, that reflects disgrace on his understanding and heart, (1) could declare the total overthrow of heresy; while Louis XIV. believed his glory perfected by an absolute union of all dissenters with the Roman church.

But the extremity of danger inspired even the wavering with courage. What though they were exposed, without defence, to the fury of an unbridled soldiery, whom hatred of heretics had steeled against humanity? Property was exposed to plunder; religious books were burned; children torn from their parents; faithful ministers, who would not abandon their flocks, broken on the wheel. Men were dragged to the altars, to be tortured into a denial of the faith of their fathers; and a relapse was punished with extreme rigour. The approach of death removes the fear of persecution; bigotry invented a new terror; the bodies of those who died rejecting the sacraments, were thrown out to wolves and dogs. The mean-spirited, who changed their religion, were endowed by law with the entire property of their family. The dying father was made to choose between wronging his conscience by apostasy and begging his offspring by fidelity. All children were ordered to be taken away from Protestant parents; but that law it was impossible to enforce; nature will assert her rights. It became a study to invent torments, dolorous, but not mortal; to inflict all the pain the human body could endure, and not die. What need of recounting the horrid enormities committed by troops whose commanders had been ordered "to use the utmost rigour towards those who will not adopt the creed of the king? to push to an extremity the vain-glorious fools who delay their conversion to the last?" What need of describing the stripes, the

(1) *Leurs faux pasteurs, &c. Oraison Fun. de Le Tellier.* The immolation was false.

roastings by slow fires, the plunging into wells, the gashes from knives, the wounds from red-hot pincers, and all the cruelties employed by men who were only forbidden not to ravish nor to kill? The loss of lives cannot be computed. How many thousands of men, how many thousands of children and women, perished in the attempt to escape, who can tell? An historian has asserted that ten thousand perished at the stake, or on the gibbet and the wheel.(1)

But the efforts of tyranny were powerless. Truth enjoys serenely her own immortality; and opinion, which always yields to a clearer conviction, laughs violence to scorn. The unparalleled persecution of vast masses of men for their religious creed, occasioned but a new display of the power of humanity; the Calvinists preserved their faith over the ashes of their churches and the bodies of their murdered ministers. The power of a brutal soldiery was defied by whole companies of faithful men, that still assembled to sing their psalms; and from the country and the city, from the comfortable homes of wealthy merchants, from the abodes of an humbler peasantry, from the workshops of artisans, hundreds of thousands of men rose up, as with one heart, to bear testimony to the indefeasible, irresistible right to freedom of mind.

Every wise government was eager to offer a refuge to the upright men who would carry to other countries the arts, the skill in manufactures, and the wealth of France. Emigrant Huguenots put a new aspect on the north of Germany, where they constituted towns and sections of cities, introducing manufactures before unknown. A suburb of London was filled with French mechanics; the Prince of Orange gained entire regiments of soldiers, as brave as those whom Cromwell led to victory; a colony of them reached even the Cape of Good Hope. In our American colonies they were welcome everywhere. The religious sympathies of New England were awakened; did any arrive in poverty, having barely escaped with life, —the towns of Massachusetts contributed liberally to their support, and provided them with lands. Others repaired to New York; but the warmer climate was more inviting to the exiles of Languedoc, and South Carolina became the chief resort of the Huguenots. What though the attempt to emigrate was by the law of France a felony?

(1) Rulhière, Œuvres, v. 221.

In spite of every precaution of the police, five hundred thousand souls escaped from their country. The unfortunate were more wakeful to fly, than the ministers of tyranny to restrain.

"We quitted home by night, leaving the soldiers in their beds, and abandoning the house with its furniture," said Judith, the young wife of Pierre Manigault. "We contrived to hide ourselves for ten days at Romans, in Dauphiny, while a search was made for us; but our faithful hostess would not betray us."—Nor could they escape to the seaboard, except by a circuitous journey through Germany and Holland, and thence to England, in the depths of winter. "Having embarked at London, we were sadly off. The spotted fever appeared on board the vessel, and many died of the disease; among these, our aged mother. We touched at Bermuda, where the vessel was seized. Our money was all spent; with great difficulty we procured a passage in another vessel. After our arrival in Carolina, we suffered every kind of evil. In eighteen months, our eldest brother, unaccustomed to the hard labour which we were obliged to undergo, died of a fever. Since leaving France, we had experienced every kind of affliction—disease, pestilence, famine, poverty, hard labour. I have been for six months without tasting bread, working the ground like a slave; and I have passed three or four years without having it when I wanted it. And yet," adds the excellent woman, in the spirit of grateful resignation, "God has done great things for us, in enabling us to bear up under so many trials."

This family was but one of many that found a shelter in Carolina, the general asylum of the Calvinist refugees. Escaping from a land where the profession of their religion was a felony, where their estates were liable to be confiscated in favour of the apostate, where the preaching of their faith was a crime to be expiated on the wheel, where their children might be torn from them, to be subjected to the nearest Catholic relation,—the fugitives from Languedoc on the Mediterranean, from Rochelle, and Saint-ange, and Bordeaux, the provinces on the Bay of Biscay, from St. Quentin, Poitiers, and the beautiful valley of Tours, from St. Lo and Dieppe, men who had the virtues of the English Puritans, without their bigotry, came to the land to which the tolerant benevolence of Shaftesbury had invited the believer of every creed. From a land that had

suffered its king, in wanton bigotry, to drive half a million of its best citizens into exile, they came to the land which was the hospitable refuge of the oppressed; where superstition and fanaticism, infidelity and faith, cold speculation and animated zeal, were alike admitted without question, and where the fires of religious persecution were never to be kindled. There they obtained an assignment of lands, and soon had tenements; there they might safely make the woods the scene of their devotions, and join the simple incense of their psalms to the melodies of the winds among the ancient groves. Their church was in Charleston; and thither, on every Lord's-day, gathering from their plantations upon the banks of the Cooper, and taking advantage of the ebb and flow of the tide, they might all regularly be seen, the parents with their children, whom no bigot could now wrest from them, making their way, in light skiffs, through scenes so tranquil, that silence was broken only by the rippling of oars, and the hum of the flourishing village at the confluence of the rivers.

Other Huguenot emigrants established themselves on the south bank of the Santee, in a region which has since been celebrated for affluence and refined hospitality.

The United States are full of monuments of the emigrations from France. When the struggle for independence arrived, the son of Judith Manigault intrusted the vast fortune he had acquired to the service of the country that had adopted his mother; the hall in Boston, where the eloquence of New England rocked the infant spirit of independence, was the gift of the son of a Huguenot; when the treaty of Paris for the independence of our country was framing, the grandson of a Huguenot, acquainted from childhood with the wrongs of his ancestors, would not allow his jealousies of France to be lulled, and exerted a powerful influence in stretching the boundary of the states to the Mississippi. On our north-eastern frontier state, the name of the oldest college bears witness to the wise liberality of a descendant of the Huguenots. The children of the Calvinists of France have reason to respect the memory of their ancestors.(1)

(1) Rulhière, *Eclaircissements sur les Causes de la Révocation de l'Édit de Nantes*, in the 5th vol. of his works; an important work on this subject. Voltaire, *Siècle de Louis XIV.* c. xxxvi. Ancillon (himself a descendant of Huguenots), *Tableau*, &c. tom. iv. c. xxiii. For America, Ramsay's *Carolina*, i. 5—8. Dan. Ravenel, in *(Charleston) City Gazette*, for May 12 and 15, 1836. Holmes, in *Mass. Hist. Coll.* xxii. 1—83.

It has been usual to relate, that religious bigotry denied to the Huguenot emigrants immediate denization. If full hospitality was for a season withheld, the delay grew out of a controversy in which all Carolinians had a common interest, and the privileges of citizenship were conceded so soon as it could be done by Carolinians themselves. It had not yet been determined with whom the power of naturalizing foreigners resided, nor how Carolina should be governed. The great mass of the people were intent on framing their own institutions; and collisions with the lords proprietors long kept the government in confusion.

For the proprietary power was essentially weak. The company of courtiers, which became no more than a partnership of speculators in colonial lands, had not sufficient force to resist foreign violence or assert domestic authority. It could derive no strength but from the colonists themselves, or from the crown. But the colonists connected self-protection with the right of self-government, and the crown would not incur expense, except on a surrender of the jurisdiction. Thus, the proprietary government having its organ in the council, could prolong its existence only by concessions, and was destined by its inherent weakness to be overthrown by the popular party which was favoured by the commons.

At first the proprietaries acquiesced in a government which had little reference to the constitutions. The first governor had sunk under the climate and the hardships of founding a colony. His successor, Sir John

Yeamans, was a sordid calculator, bent on acquiring a fortune. He encouraged his employers in expense, and enriched himself without gaining respect or hatred.

"It must be a bad soil," said his weary employers, "that will not maintain industrious men, or we must be very silly that would maintain the idle." If they continued their outlays, it was in hopes of seeing vineyards, and olive-groves, and plantations, established; they refused supplies of cattle, and desired returns in compensation for their expenditures.

The moderation and good sense of West were able to preserve tranquillity for about nine years; but the lords, who had first purchased his services by the grant of all their merchandise and debts in Carolina, in the end

dismissed him from office, on the charge that he favoured the popular party.

The continued struggles with the proprietaries hastened the emancipation of the people from their rule ; but the praise of having been always in the right cannot be awarded to the colonists. The latter claimed the right of weakening the neighbouring Indian tribes by a partisan warfare, and a sale of the captives into West Indian bondage ; their antagonists demanded that the treaty of peace with the natives should be preserved.(1) Again, the proprietaries offered some favourable modifications of the constitutions ; the colonists respected the modifications no more than the original laws. A rapid change of governors augmented the confusion. There was no harmony of interests between the lords paramount and their tenants, or of authority between the executive and the popular assembly. As in all other colonies south of the Potomac, colonial legislation did not favour the collection of debts that had been contracted abroad ; the proprietaries demanded a rigid conformity to the cruel and intolerant method of the English courts. It had been usual to hold the polls for elections at Charleston only ; as population extended, the proprietaries ordered an apportionment of the representation ; but Carolina would not allow districts to be carved out, and representation to be apportioned from abroad ; and the useful reformation could not be adopted till it was demanded and effected by the people themselves.

England had always favoured its merchants in the invasion of the Spanish commercial monopoly ; had sometimes protected pirates ; and Charles II. had conferred the honours of knighthood on a freebooter. The treaty of 1667 changed the relations of the pirate and the contraband trader. But men's habits do not change so easily ; and in Carolina, especially after Port Royal had been laid waste by the Spaniards, there were not wanting those who regarded the buccaneers as their natural allies against a common enemy ; (2) and thus opened one more issue with the proprietaries.

When the commerce of South Carolina had so increased that a collector of plantation duties was appointed, a new struggle arose. The palatine court, careful not to offend the king, who, nevertheless, was not

(1) Archdale, 13, 14. Hewat, 1. 78. Chalmers, 542, 543.

(2) Hewat, 1. 92, 93. Chalmers, 547, 548.

diverted from the design of annulling their charter by a process of law, gave orders that the Acts of Navigation should be enforced. The colonists, who had made
 1685. themselves independent of the proprietaries in fact, esteemed themselves independent of parliament of right. Here, as everywhere, the acts were indignantly resisted as at war with natural equity; here they were also hated, as an infringement of the conditions of the charter, of which the validity was their motive to emigrate.

The pregnant cause of dissensions in Carolina could not be removed, till the question of powers should be definitively settled. The proprietaries were willing to believe that the cause existed in the want of dignity and character in the governor. That affairs might be more firmly established, James Colleton, a brother of a proprietary, was appointed governor, with the rank of landgrave, and an endowment of forty-eight thousand acres of land; but neither his relationship, nor his rank, nor his reputation, nor his office, nor his acres, could procure for him obedience; because the actual relations between the con-
 1686. tending parties were in no respect changed. When Colleton met the colonial parliament which had been elected before his arrival, a majority refused to acknowledge the binding force of the constitutions; by a violent act of power, Colleton, like Cromwell in a similar instance in English history, excluded the refractory members from the parliament. What could follow but a protest from the disfranchised members against any measures which might be adopted by the remaining minority?

A new parliament was still more intractable; and
 1687. the "standing laws" which they adopted were negatived by the palatine court.

From questions of political liberty, the strife between the parties extended to all their relations. When
 1687. Colleton endeavoured to collect quit-rents, not only on cultivated fields, but on wild lands also, direct insubordination ensued; and the assembly, imprisoning the secretary of the province, and seizing the records, defied the governor and his patrons, and entered on a career of absolute opposition.

Colleton resolved on one last desperate effort, and
 1689. pretending danger from Indians or Spaniards, called out the militia, and declared martial law. But who were to execute martial law? The militia were the people, and

there were no other troops. Colleton was in a more hopeless condition than ever; for the assembly believed itself more than ever bound to protect the country against a military despotism. It was evident the people were resolved on establishing a government agreeable to themselves. The English revolution of 1688 was therefore imitated on the banks of the Ashley and Cooper. Soon after William and Mary were proclaimed, a meeting of the representatives of South Carolina disfranchised Colleton, and banished him from the province.

CHAPTER XIV.

THE COLONIES ON THE CHESAPEAKE BAY.

FOR more than eight years "THE PEOPLE OF VIRGINIA" had governed themselves; and their government had been 1652- conducted with wise moderation. Tranquillity and 1660. a rapid increase of population promised the extension of its borders; and colonial life was sweetened by the enjoyment of equal franchises. No trace of established privilege appeared in its code or its government; in its forms and in its legislation, Virginia was a representative democracy; so jealous of a landed aristocracy, that it insisted on universality of suffrage; so hostile to the influence of commercial wealth, that it would not tolerate the "mercenary" ministers of the law; so considerate for religious freedom, that each parish was left to take care of itself. Every officer was, directly or indirectly, chosen by the people.

The power of the people naturally grew out of the character of the early settlers, who were, most of them, adventurers, bringing to the New World no wealth but enterprise; no rank but that of manhood; no privileges but those of Englishmen. The principle of the English law, which grants real estate to the eldest born, was respected; but generations of Virginians had hardly as yet succeeded each other; the rule had produced no effect upon society, and, from the beginning, had been modified in many counties by the custom of gavelkind. (1) Virginia could not imitate those great legislative reforms of the

(1) Jones's State of Virginia, p. 61.

Long Parliament, because her happier soil was free from the burdens of forest laws and military tenures, courts of wards, and star-chambers. The tendency towards a multiplication of religious sects began already to be perceptible, under the freedom of a popular government. In its care for a regular succession of representative assemblies, Virginia exceeded the jealous friends of republican liberty in England; there triennial parliaments had been established by law; the Virginians, imitating the terms of the bill, claimed the privilege of a biennial election of their legislators.⁽¹⁾ In addition to the strength derived from the natural character of the emigrants, from the absence of feudal institutions, from the entire absence of the excessive refinements of legal eradition, and from the constitution, legislation, and elective franchises of the colonists, a new and undefined increase was gained by the universal prevalence of the spirit of personal independence. An instinctive aversion to too much government was always a trait of southern character, expressed in the solitary manner of settling the country, in the absence of municipal governments, in the indisposition of the scattered inhabitants to engage in commerce, to collect in towns, or to associate in townships under corporate powers. As a consequence, there was little commercial industry; and, on the soil of Virginia, there were no vast accumulations of commercial wealth. The exchanges were made almost entirely—and it continued so for more than a century—by factors of foreign merchants. Thus the influence of wealth, under the modern form of stocks and accumulations of money, was always inconsiderable; and men were so widely scattered—like hermits among the heathen—that far the smallest number were within reach of the direct influence of the established church or of government. In Virginia, except in matters that related to foreign commerce, a man's own will went far towards being his law.

Yet the germs of an aristocracy existed; and there was already a tendency towards obtaining for it the sanction of colonial legislation. Unlike Massachusetts, Virginia was a continuation of English society. The first colonists were not fugitives from persecution; they came, rather, under the auspices of the nobility, the church, and the

(1) Hening, i. 517. The bill is modelled after the "act for preventing inconveniences happening by the long intermission of parliament," passed by the commons of England in 1540.

mercantile interests of England; they brought with them an attachment to monarchy; a deep reverence for the Anglican church; a love for England and English institutions. Their minds had never been disciplined into an antipathy to Feudalism; their creed had never been shaken by the progress of scepticism; no new ideas of natural rights had as yet inclined them to "faction." The Anglican church was, therefore, without repugnance, sanctioned as the religion of the state; and a religion established by law always favours aristocracy; for it seeks support, not in conviction only, but in vested rights. The rise of the plebeian sects, which swarmed in England, was, for the present at least, prevented, and unity of worship, with few exceptions, continued for about a century from the settlement of Jamestown. The aristocracy of Virginia was, from its origin, exclusively a landed aristocracy; its germ lay in the manner in which rights to the soil had been obtained. For every person whom a planter should, at his own charge, transport into Virginia, he could claim fifty acres of land; and thus a body of large proprietors had existed from the infancy of the settlement.(1) These vast possessions, often an inheritance for the eldest-born, awakened the feelings of family pride.

The power of the rising aristocracy was still further increased by the deplorable want of the means of education in Virginia. The great mass of the rising generation could receive little literary culture; the higher degrees of cultivated intelligence in the colony were confined to a small number of favoured emigrants. Many of the royalists who came over after the death of Charles I., brought to the colony the culture and education that belonged to the English gentry of that day; and the direction of affairs necessarily fell into their hands. The instinct of liberty may create popular institutions; they cannot be preserved in their integrity, except by the conscious intelligence of the people.

But the distinctions in society were rendered more marked by the character of the plebeian population of Virginia. Many of them had reached the shores of Virginia as servants; doomed, according to the severe laws of that age, to a temporary bondage. Some of them, even, were convicts; but, it must be remembered, the crimes of which they were convicted were chiefly political. The number

(1) *Virginia's Cure*, by R. G., 1662, p. 8.

transported to Virginia for social crimes was never considerable; scarcely enough to sustain the sentiment of pride in its scorn of the labouring population; certainly not enough to affect its character. Yet the division of society into two classes was strongly marked, in a degree unequalled in any northern colony, and unmitigated by public care for education.⁽¹⁾ The system of common schools was unknown. "Every man," said Sir William Berkeley in 1671, "instructs his children according to his ability;" a method which left the children of the ignorant to hopeless ignorance. The instinct of aristocracy dreaded the general diffusion of intelligence, and even the enfranchising influence of the preaching of the ministers. "The ministers," continued Sir William, in the spirit of the aristocracy of the Tudors, "should pray oftener and preach less. But, I thank God, there are no free schools, nor printing; and I hope we shall not have, these hundred years; for learning has brought disobedience, and heresy, and sects into the world, and printing has divulged them, and libels against the best government. God keep us from both." Thus, in addition to the difficulties which the degraded caste of servants encountered in their endeavours to lift themselves into distinction, the power of the government was exerted to depress whole classes of society. We rightly abhor the envy which delights in debasing excellence; it is a still greater crime against humanity, to combine against the masses in their struggle for intellectual and social advancement.

Still servants were emancipated, when their years of servitude were ended; and the law was designed to secure and to hasten their enfranchisement. The insurrection, which was plotted by a number of servants in 1663, had its origin in impatience of servitude and oppression. A few bondmen, soldiers of Cromwell, and probably Roundheads, were excited by their own sufferings, and by the nature of life in the wilderness, to indulge once more in vague desires for a purer church and a happier condition. From the character of the times, their passions were sustained by political fanaticism; but no definite plan of revolution was devised; nor did the conspiracy extend

(1) "Their almost general want of schooles, for the education of their children, is of most sad consideration, most of all bewailed of the parents there, and therefore the arguments drawn from thence, most likely to prevail with them chearfully to embrace the Remedy."—Virginia's Cure, p. 5.

beyond a scheme of indented servants to anticipate the period of their freedom. The effort was the work of ignorant men, and was easily suppressed.⁽¹⁾ The facility of escape compelled humane treatment of white servants.

Towards the negro, the laws were less tolerant. The statute which declares who are slaves, followed the old idea, long prevalent through Christendom,—“All servants, not being Christians, imported into this country by shipping, shall be slaves.” Yet it was added, “conversion to the Christian faith doth not make free.” The early Anglo-Saxon rule, interpreting every doubtful question in favour of liberty, declared the children of freemen to be free. Virginia was humane towards men of the white race; was severe towards the negro. Doubts arose, if the offspring of an Englishman by a negro woman should be bond or free; and the rule of the Roman law prevailed over the Anglo-Saxon. The offspring followed the condition of its mother. Enfranchisement of the coloured population was not encouraged; the female slave was not subject to taxation; the emancipated negress was a “tithable.” “The death of a slave from extremity of correction, was not accounted felony: since it cannot be presumed”—such is the language of the statute—“that premeditated malice, which alone makes murder felony, should induce any man to destroy his own estate.” The legislature did not understand human passion; no such opinion now prevails. Finally, it was made lawful for “persons, pursuing fugitive coloured slaves, to wound, or even to kill them.” The master was absolute lord over the negro. The slave, and the slave’s posterity, were bondmen; though afterwards, when the question was raised, the devise of negro children *in posse*, the future increase of a bondwoman, was void. As property in Virginia consisted almost exclusively of land and labourers, the increase of negro slaves was grateful to the pride and to the interests of the large landed proprietors. After a long series of years, the institution of slavery renewed a landed aristocracy, closely resembling the feudal nobility; the culminating point was the period when slaves were declared to be real estate, and

(1) Henning, ii. 519. Beverley, MS. Letter from R. P. Howard, clerk of the General Court of Virginia.

might be constituted by the owner adscripts to the soil.⁽¹⁾

The aristocracy, which was thus confirmed in its influence by the extent of its domains, by its superior intelligence, and by the character of a large part of the labouring class, naturally aspired to the government of the country; from among them the council was selected; many of them were returned as members of the legislature; and, in the organization of the militia, they also held commissions. The entire absence of local municipal governments necessarily led to an extension, unparalleled in the United States, of the power of the magistrates. The justices of the peace for each county fixed the amount of county taxes, assessed and collected them, and superintended their disbursement; so that military, judicial, legislative, and executive powers were often deposited in the hands of men, who, as owners of large estates, masters of many indented servants, and lords of slaves, already began to exhibit the first indications of an established aristocracy.

Thus, at the period of the restoration, two elements were contending for the mastery in the political life of Virginia; on the one hand, there was in the Old Dominion a people; on the other, a rising aristocracy. The present decision of the contest would depend on the side to which the sovereign of the country would incline. During the few years of the interruption of monarchy in England, that sovereign had been the people of Virginia; and its mild and beneficent legislation, careless of theory, and unconscious of obeying impulses which were controlling the common advancement of humanity, had begun to loosen the cords of religious bigotry, to confirm equality of franchises, to foster colonial industry by freedom of traffic with the world. The restoration of monarchy changed the course of events, took from the people of Virginia the power which was not to be recovered for more than a century, and gave to the forming aristocracy a powerful ally in the royal government and its officers. The early history of Virginia not only illustrates the humane and ameliorating influences of popular freedom, but also presents a picture of the confusion, discontent,

(1) Hening, ii. 283, 490, 491, 176, 267, 270, 299. Conway Robinson's *Virginia Practice*, i. 527. Hening, iv. 222. Compare v. 432.

and carnage, which are the natural consequences of selfish legislation and a retrograde movement in the cause of popular liberty.

The emigrant royalists had hitherto not acted as a political party, but took advantage of peace to establish their fortunes.(1) Their numbers were constantly increasing; their character and education procured them respect and influence; yet no collisions ensued. If one assembly had, what Massachusetts never did, submitted to Richard Cromwell—if another had elected Berkeley as governor—the power of the people still preserved its vigour, and controlled legislative action. But, on the tidings of the restoration of Charles II., the fires of loyalty blazed up, perhaps the more vehemently for their long inactivity. Virginia shared the passionate joy of England. In the mother country, the spirit of popular liberty, contending at once with ancient institutions which it could not overthrow, had been productive of much calamity, and had overwhelmed the tenets of popular enfranchisement in disgust and abhorrence. In Virginia, where no such ancient abuses existed, the same spirit had been productive only of benefits. Yet, to the colony, England still seemed a home; and the spirit of English loyalty pervaded the plantations along the Chesapeake. With the people it was a generous enthusiasm; to many of the leading men, loyalty opened a career for ambition; and, with general consent, Sir William Berkeley, no longer acting as governor, elected by the people, but assuming such powers as his royal commission bestowed, issued writs for an assembly in the name of the king.(2) The sovereignty over itself, which Virginia had exercised so well, had come to an end.

The excitement of the moment favoured the friends of royalty; and the first assembly which was elected after the restoration, was composed of landholders and 1661. Cavaliers; men in whose breasts the passions of colonial life had not wholly mastered the attachment to English usages. Of the assembly of 1654, not more than two members were elected at the restoration; of the assembly of March, 1660, of which an adjourned meeting was held in October, the last assembly elected during the interruption, only eight were re-elected to the first

(1) Clarendon.

(2) Berk., ii. 120.

assembly of Charles II., and, of these eight, not more than five retained their places.(1) New men came upon the theatre of legislation, bringing with them new principles. The restoration was, for Virginia, a political revolution.

The "first session"(2) of the royalist assembly was in March, 1661. One of its earliest acts—disfranchising a magistrate "for factious and schismatical demeanors,"(3)—marks its political character; but, as democratic institutions had tranquilly and naturally been introduced, so the changes which were now to take place, proceeded from the instinct of selfishness, the hatred to popular power, the blind respect for English precedents, and not from any settled theory of government, or well-developed principles of conduct.

The apprehensions of Virginia were awakened by the establishment of the colonial monopoly in the Navigation Act; and the assembly, alarmed at this open violation of the natural and prescriptive "freedoms" of the colony, appointed Sir William Berkeley its agent, to present the grievances of Virginia and procure their redress. Here, again, the influence of royalist legislation is perceptible; no distrust of the royal power was excited; freedom of trade was the object to which desires were directed, and Virginia reposed confidently in the favour of its monarch. Far different had been the course of the New England states, where the perpetual dread of royal interference persevered in soliciting charters, till they were obtained. Virginia, unhappy in her confidence, lost irrevocably the opportunity of obtaining a liberal patent.

The Ancient Dominion was equally unfortunate in the selection of its agent. Sir William Berkeley did not, even after years of experience, understand the principles of the act against which he was deputed to expostulate. We have seen that he obtained for himself and partners a portion of the territory of Virginia; for the colony he did not secure one franchise.

It merits remark that, even at the hands of Charles II.,

(1) Hening, i. 386, 387, and 526—530; ii. 197, &c. 260.

(2) That this was the "first session," appears from comparing Hening, ii. 147, with Hening, ii. 81. Burk, ii. 120, seems to have been confused by the old mode of reckoning. The assembly of October 11, 1660, was still the last republican assembly. Berkeley had been directed to issue forth his summons to the "present burgesses;" that is, to those chosen before the restoration. Hening, i. 542, 543.

(3) Hening, ii. 39. The victim was "Major John Bond."

the democratic colonies of Rhode Island and Connecticut received greater favour than Virginia. The king employed the loyalty of Virginia to its injury.

For more than a year the Navigation Act, which had been communicated to the Dutch merchants of New Belgium, was virtually evaded in Virginia; (1) mariners of New England, lading their vessels with tobacco, did but touch at a New England harbour on the Sound, and immediately sail for the wharfs of New Amsterdam. But this remedy was partial and transient. By the very nature of foreign commerce, the Act of Navigation could easily be executed in Virginia, because the colony had few ships of its own, and no foreign vessel dared to enter its ports; and the unequal legislation pressed upon its interests with intense severity. The number of the purchasers of its tobacco was diminished; and the English merchants, sure of their market, grew careless about the quality of the article which they supplied. To the colonist, as consumer, the price of foreign goods was enhanced; to the colonist, as producer, the opportunity of a market was narrowed.

Virginia long attempted to devise a remedy against the commercial oppression of England. It was the strong, exercising tyranny over the weak; there could be no remedy but independence. Yet the planters vainly flattered themselves that, by producing an artificial scarcity of tobacco, they might alleviate their distress; and it was repeatedly proposed to Carolina and Maryland, to omit for a year the culture of their staple. These negotiations always remained fruitless; yet the pertinacity with which they were pursued, proves the extremity of suffering occasioned by the acts of navigation. (2)

The burden laid upon the intercolonial traffic was ¹⁶⁷² the more intolerable to the Virginians, because it produced no revenue. It was established exclusively to favour the monopoly of the English merchant; and its avails were all abandoned as a good income to the officers, to stimulate their vigilance. (3)

Thus, at the very season when the rising aristocracy of Virginia was seeking, by the aid of royal influence, to confirm its supremacy, the policy of the English government oppressed colonial industry so severely as to excite

(1) *Staryessant*, July 15, 1683. *Albany Records*, xviii. 297, and 147, 152.

(2) *Hening*, ii. 190, 200, 209, 231, 224, 228, 229, 232, 261, 252.

(3) *Beverley*, 66.

the hostility of the united province. The party which separated itself from the people, and united with the king, in the desire of gaining a triumph over democratic influences, was always on the point of reconciling itself with the people, and making a common cause against the tyranny of the metropolis. On the one hand, it was impelled to rest for support and look for favour to the English monarch; and on the other, by a community of national pride and a fellowship of interests and wrongs, it was blended with the people. The really adverse parties in Virginia were royalists, and the people. The landed aristocracy of Virginia was divided in its affections; and the side to which it inclined was always sure of victory. Did it combine with monarchy? A retrograde movement in society was the consequence. Did it join with the people? Such union was the harbinger of success to popular liberty, and of progress towards independence.

At the epoch of the restoration, the rising aristocracy gained the ascendancy in the legislature. We have seen that the assembly disfranchised "a factious and schismatical magistracy;" in the course of its long-continued sessions, it modified the democratical features of the constitution, and effected a radical change in favour of aristocratic influences. The committee which was appointed to reduce the laws of Virginia to a code, introduced no new principles favourable to liberty; but as if society were capable of being checked in its progress, and confined to fixed forms, it restored the ancient institutions, and repealed the milder laws that Virginia had adopted when she governed herself. The English episcopal church became once more the religion of the state; and though there were not ministers in above a fifth part of the parishes, so that the church was scattered in the desolate places of the wilderness without comeliness,⁽¹⁾ yet the laws demanded strict conformity, and required of every one to contribute to the support of the established church. For assessing parish taxes, twelve vestrymen were now to be chosen in each parish, with power to fill all vacancies in their own body. Here was a revolution in church affairs; the control passed from the parish to a close corporation, which the parish could neither alter nor overrule. In England, dissenters were attempting changes in the liturgy; Virginia required the whole liturgy to be

(1) Virginia's Cure, 1662, p. 2 and 12.

thoroughly read; no non-conformist might teach, even in private, under pain of banishment; no reader might expound the Catechism or the Scriptures. The obsolete severity of the laws of Queen Elizabeth was revived against the Quakers. Absence from church was for them an offence, punishable by a monthly fine of twenty pounds sterling. To meet in conventicles of their own, was forbidden under further penalties.

Nor did the law remain a dead letter. A large number of Quakers were arraigned before the court, as recusants. "Tender consciences," said Owen, firmly, "must obey the law of God, however they suffer."—"There is no toleration for wicked consciences," (1) was the reply of the court.

The reformation had diminished the power of the clergy, by declaring marriage a civil contract, not a sacrament. The Independents allowed no marriage but by the magistrates; Virginia tolerated none but according to the rubric in the Book of Common Prayer.

Religious bigotry recovered all the advantages which had begun to yield to the progress of opinion. (2) Among the plebeian sects of Christianity, the single-minded simplicity with which the Baptists had, from their origin, asserted the enfranchisement of mind, and the equal rights of the humblest classes of society, naturally won converts in America at an early day. The legislature of Virginia, assembling soon after the return of Berkeley from a voyage that had been fruitless to the colony, declared to the world that there were scattered among the rude settlements of the Ancient Dominion "many schismatical persons, so averse to the established religion, and so filled with the new-fangled conceits of their own heretical inventions, as to refuse to have their children baptized;" (3) and the novelty was punished by a heavy mulct. The freedom of the forests favoured originality of thought; in spite of legislation, men listened to the voice within themselves as to the highest authority; and Quakers continued to multiply. Virginia, as if resolved to hasten the colonization of North Carolina, sharpened her laws against all separatists, punished their meetings by heavy fines,

(1) *Richmond Records*, No. 2, 1666 to 1664, p. 22.

(2) *Hening*, *l.* 44—46.

(3) *Ibid.* *l.* 166. *Scamper*, in his *History of the Baptists in Virginia*, p. 1, gives them an origin later by a half-century. He is plainly in error. Annapoistons are again named, *Hening*, *l.* 136.

and ordered the more affluent to pay the forfeitures of the poor. The colony that should have opened its doors wide to all the persecuted, punished the ship-master that received non-conformists as passengers, and threatened such as resided in the colony with banishment.⁽¹⁾ John Porter, the burgess for Lower Norfolk, was expelled from the assembly, "because he was well affected to the Quakers."⁽²⁾

The legislature was equally friendly to the power of the crown. In every colony where Puritanism prevailed, there was a uniform disposition to refuse a fixed salary to the royal governor. Virginia, at a time when the
 1658. chief magistrate was elected by its own citizens, had voted a fixed salary for that magistrate; but the measure, even then, was so little agreeable to the people, that
 1659. its next assembly repealed the law.⁽³⁾ The royalist legislature, for the purpose of well paying his majesty's
 1662. officers, established a perpetual revenue by a permanent imposition on all exported tobacco; and the royal officers of Virginia, requiring no further action of an assembly for granting taxes, were placed above the influence of colonial legislation.⁽⁴⁾ They depended on the province neither for their appointment nor their salary, and the country was governed according to royal instructions,⁽⁵⁾ which did, indeed, recognize the existence of colonial assemblies, but offered no guarantee for their continuance. The permanent salary of the governor of Virginia, increased by a special grant from the colonial legislature, exceeded the whole annual expediture of Connecticut; but Berkeley was dissatisfied. A thousand pounds a year would not, he used to say, "maintain the port of his place; no government of ten years' standing but has thrice as much allowed him. But I am supported by my hopes, that his gracious majesty will one day consider me."⁽⁶⁾ Such was a royal governor; how unlike the spirit that prevailed, where the magistrates were elected by the people! Winthrop of Massachusetts expended all his estate for the commonwealth; Berkeley was dissatisfied even after a grant of tens of thousands of square miles.

(1) Hening, ii. 180—183.

(2) *Ibid.* ii. 198.

(3) *Ibid.* i. 498—523.

(4) *Ibid.* ii. 130—132.

(5) Richmond Records, No. 2, 1660 to 1664, p. 130—135.

(6) Chalmers, 528. Hening, ii. 516. Berkeley's commission was not a commission for life.

The organization of the judiciary placed that department of the government almost entirely beyond the control of the people. The governor and council were the highest ordinary tribunal; and these were all appointed, directly or indirectly, by the crown; besides this, there were in each county eight unpaid (1) justices of the peace, commissioned by the governor during his pleasure. These justices held monthly courts, in their respective counties. (2) Thus the administration of justice, in the counties, was in the hands of persons holding their offices at the goodwill of the governor; while the governor himself and his executive council constituted the General Court, and had cognizance of all sorts of causes. Was an appeal made to chancery? It was but for another hearing before the same men; and it was only for a few years longer that appeals were permitted from the general court to the assembly. The place of sheriff in each county was conferred on one of the justices for that county, and so devolved to every commissioner in course. (3) This organization of the county courts in Virginia continues to-day, except that the justices hold their places for life, and nominate their associates and successors.

But the county courts, thus independent of the people, possessed and exercised the arbitrary power of levying county taxes, which, in their amount, usually exceeded the public levy. (4) This system proceeded so far, that the commissioners, of themselves, levied taxes to meet their own expenses. (5) In like manner, the self-perpetuating vestries made out their lists of tithables, and assessed taxes without regard to the consent of the parish. (6) These private levies were unequal and oppressive; were seldom, it is said never, brought to audit, and were, in some cases at least, managed by men who combined to defraud the public. (7)

For the organization of the courts, ancient usage could be pleaded. It was a series of innovations, which gradually effected a revolution in the system of representation.

(1) Hening, ii. 244.

(2) Ibid. ii. 71, 72. Compare the very important tract of Hartwell, Blair, and Chilton, "The Present State of Virginia and the College," p. 43. Printed in 1727, but written near the close of the seventeenth century. Beverley, 220, 221.

(4) Bland, in Burk, ii. 248.

(5) Hening, ii. 315, 316.

(7) Culpepper, in Chalmers, 355

(3) Ibid. ii. 210.

The members of the first assembly convened after the restoration, had been chosen for a term of service extending only through two years; the rule of biennial assemblies was adopted in Virginia.(1) The law, which limited the duration of legislative service, and secured the benefits of frequent elections and swift responsibility, was now silently, but "utterly abrogated and repealed." (2) Thus the legislators, on whom the people had conferred a political existence of two years, assumed to themselves, by their own act, an indefinite continuance of power. The parliament of England, chosen on the restoration, was not dissolved for eighteen years. The legislature of Virginia retained its authority for almost as long a period, and yielded it only to an insurrection. Meantime, "the meetings of the people, at the usual places of election," had for their object, not to elect burgesses, but to present their grievances to the burgesses of the adjourned assembly.(3)

The wages of the burgesses were paid by the respective counties; and their constituents possessed influence to determine both the number of burgesses to be elected and the rate of their emoluments. This method of influence was taken away by a law, which, wisely but for its coincidence with other measures, fixed both the number and the charge of the burgesses. But the rate of wages was for that age enormously burdensome, far greater than is tolerated in the wealthiest states in these days of opulence; and it was fixed by an assembly for its own members, who had usurped, as it were, a perpetuity of office. The taxes for this purpose were paid with great reluctance,(4) and, as they amounted to about two hundred and fifty pounds of tobacco for the daily emoluments of each member, became for a new country an intolerable grievance. Discontent was increased by the favouritism which exempted the councillors from the levies.(5)

The freedom of elections was further impaired by "frequent false returns" made by the sheriffs.(6) Against these the people had no sufficient redress; for the sheriffs

(1) Hening, i. 517.

(2) Ibid. ii. 43.

(3) Ibid. ii. 211, 212.

(4) Virginia's Cure, p. 2. Hening, ii. 20, 23, 106, 309, 325. Bland, in Burk, ii. 248. Lord Baltimore, for his quit-rents, received tobacco at two-pence a pound. It was not worth so much on the average, yet in those days of poverty the burgess received probably about nine dollars a day.

(5) Compare Hening, ii. 84, with 359, 392.

(6) Hening, ii. 355.

were responsible neither to them nor to officers of their appointment. And how could a more pregnant cause or discontent exist in a country, where the elective franchise was cherished as the dearest civil privilege?

How dear that franchise was held by the people of Virginia, is distinctly told in their records. No direct taxes were levied in those days, except on polls; lands escaped taxation. The method, less arbitrary in Virginia, where property consisted chiefly in a claim to the labour of servants and slaves, than in a commercial country, or where labour is free, was yet oppressive to the less wealthy classes.

The burgesses, themselves great landholders, resisted 1663. the reform which Berkeley had urged, (1) and connected the burden of the tax with the privileges of citizenship. If land should be taxed, none but landholders should elect the legislature; and then, it was added, "the other freemen, who are the more in number, may repine to be bound to those laws, they have no representations to assent to the making of. And we are so well acquainted with the temper of the people, that we have reason to believe they had rather pay their tax, than lose that privilege." (2)

Thus was the jealous love for liberty remembered, when it furnished an excuse for continuing an unjust method of taxation. But the system of universal suffrage could not permanently find favour with an assembly which had given to itself an indefinite existence, and which laboured to reproduce in the New World the inequalities of English legislation. It was discovered that "the usual way of choosing burgesses by the votes of all freemen," produced "tumults and disturbance." The instinct of aristocratic bigotry denied that the electors would make "choyce of persons fitly qualified for so greate a trust." The restrictions adopted by the monarchical government of England were cited as a fit precedent for English colonies; and 1670. it was enacted that "none but freeholders and housekeepers shall hereafter have a voice in the election of any burgesses." (3)

Thus was a majority of the people of Virginia disfranchised by the act of their own representatives. So true it is, that in representative governments, unless power be

(1) Hening, ii. 204: "A levy upon lands, and not upon heads."

(2) Richmond Records, No. 2, 1666 to 1664, p. 176.

(3) Hening, ii. 280.

limited, and responsibility steadily maintained, the choice of representatives becomes the establishment of a tyranny.

The great result of modern civilization is the diffusion of intelligence among the masses, and a consequent increase of their political consideration. The result is observable everywhere. In the field, the fate of battles depends on infantry, and no longer on the cavalry. Influence has passed away from walled towns and fortresses to the busy scenes of commercial industry, and to the abodes of rustic independence; an active press has increased, and is steadily increasing, the number of reflecting minds that demand a reason for conduct, and exercise themselves in efforts to solve the problem of existence and human destiny. Everywhere the power of the people has increased; it is the undisputed induction from the history of every nation of European origin. The restoration of Charles II. was, therefore, to Virginia a political revolution, opposed to the principles of popular liberty and the progress of humanity. An assembly continuing for an indefinite period, at the pleasure of the governor, and decreeing to its members extravagant and burdensome emoluments; a royal governor, whose salary was established by a permanent system of taxation; a constituency restricted and diminished; religious liberty taken away almost as soon as it had been won; arbitrary taxation in the counties by irresponsible magistrates; a hostility to popular education, and to the press;—these were the changes which, in about ten years, were effected in a province that had begun to enjoy the benefits of a virtual independence, and a gradually ameliorating legislation.

The English parliament had crippled the industry of the planters of Virginia; the colonial assembly had diminished the franchises and impaired the powers of its people; Charles II. was equally careless of the rights and property of its tens of thousands of inhabitants. Just ^{1649.} after the execution of Charles I., during the extreme anxiety and despair of the royalists, a patent for the Northern Neck, that is, for the country between the Rappahannock and the Potomac, had been granted to a company of Cavaliers, as a refuge for their partisans.

About nine years after the restoration, this patent ^{1669.} was surrendered, that a new one might be issued to Lord Culpepper, who had succeeded in acquiring the *shares of all the associates.* The grant was extremely

oppressive, for it included plantations which had long been cultivated.(1) But the prodigality of the king was not exhausted. To Lord Culpepper, one of the most cunning and most covetous men in England,(2) at the time a member of the commission for trade and plantations,(3) and to Henry, Earl of Arlington, the best-bred person at the royal court, allied to the monarch as father-in-law to the king's son by Lady Castlemaine, ever in debt exceedingly, and passionately fond of things rich, polite, and princely,(4) the lavish sovereign of England gave away "all the dominion of land and water, called Virginia," for the full term of thirty-one years.(5)

The assembly of Virginia, composed as it was, in part at least, of opulent landholders, was excited to alarm by dangers which were menaced by the thoughtless grants of a profligate prince; and Francis Morryson, Thomas Ludwell, and Robert Smith, were appointed agents to sail 1674. for England, and enter on the difficult duty of recovering for the king that supremacy which he had so foolishly dallied away. "We are unwilling," said the assembly, "and conceive we ought not to submit to those to whom his majesty, upon misinformation, hath granted the dominion over us, who do most contentedly pay to his majesty more than we have ourselves for our labour. Whilst we labour for the advantage of the crown, and do wish we could be yet more advantageous to the king and nation, we humbly request not to be subjected to our fellow-subjects, but, for the future, to be secured from our fears of being enslaved."(6) Berkeley's commission as governor had expired; the aristocratic legislature, which had already voted him a special increase of salary, and which had continued itself in power by his connivance, solicited his appointment as governor for life.(7)

The envoys of Virginia were instructed to ask for the colony the immunities of a corporation; for a corporation could resist further encroachments, and would be able, according to the forms of English law, to purchase of the grantees their rights to the country. The agents more than fulfilled their instructions. They asserted the natural liberties of the colonists; claimed, with earnest

(1) Beverley, 66. Chalmers, 390.

(2) Hartwell, Blair, and Chilton, 31.

(3) Evelyn, ii. 342.

(4) Henning, ii. 569—583, 427—521. Burk, ii. App. xxxiv. &c.

(5) Burk, ii. App. xxxiii. xxxiv.

(4) Ibid. 372, 431.

(7) Ibid. xxxix.

zeal, an exemption from arbitrary taxation; insisted on the indefeasible right of the colonists to the enjoyment of legislative powers, as the birthright of the children of Englishmen; and fortified their demands by the favour of Coventry, whom they extolled as one of the worthiest of men; (1) by the legal erudition of Jones and Winnington, (2) and by the voices of "many great friends," won by a sense of humanity, or submitting to be bribed by poor Virginia. (8) But fidelity, justice, and favour were not enough to secure the object. The agents were detained a twelvemonth without making any progress; the final failure has been ascribed to tidings from Virginia; but there is reason to believe, that a secret influence had been irrevocably exerted against the grant of a charter, (4) before the news reached England of the events which involved the Ancient Dominion in gloomy disasters.

For at the time when the envoys were appointed, Virginia was rooking with the excitements that grew out of its domestic griefs. The rapid and effectual abridgment of its popular liberties, joined to the uncertain tenure of property that followed the announcement of the royal grants, would have roused any nation; how much more a people like the Virginians! The generation now in existence were chiefly the fruit of the soil; they were children of the woods, nurtured in the freedom of the wilderness, and dwelling in lonely cottages, scattered along the streams. No newspapers entered their houses; no printing-press furnished them a book. They had no recreations but such as nature provides in her wilds; no education but such as parents in the desert could give their offspring. (5) The paths were bridle-ways rather than roads; and the highway surveyors aimed at nothing more than to keep them clear of logs and fallen trees. (6) I doubt if there existed what we should call a bridge in the whole dominion, though it was intended to build some. (7) Visits were made in boats, or on horseback through the forests; and the Virginian, travelling with his pouch of tobacco for currency, swam the rivers, where there was neither ferry nor ford.

(1) Burk, ii. App. xxxix. and lvii.

(2) Ibid. xi. xli.

(3) Ibid. xxxix.: "Some with, some without charge."

(4) Loyd's Letter of April 19, 1676, in Burk, ii. App. xxxvi. Hening, ii. 534—537. Beverley, 66. For the documents generally, see Burk, ii. App., where they are huddled together. Hening, ii. 519, &c.

(5) Berkeley, in Chalmers.

(6) Hening, ii. 103.

(7) Ibid. Burk, ii. App. xxxiii.

Almost every planter was his own mechanic. The houses, for the most part of but one story, and made of wood, often of logs, the windows closed by convenient shutters for want of glass,(1) were sprinkled at great distances on both sides of the Chesapeake, from the Potomac to the line of Carolina. There was hardly such a sight as a cluster of three dwellings. Jamestown was but a place of a state-house, one church, and eighteen houses,(2) occupied by about a dozen families. Till very recently, the legislature had assembled in the hall of an alehouse.(3) Virginia had neither towns nor lawyers.(4) A few of the wealthier planters lived in braver state at their large plantations, and surrounded by indented servants and slaves, produced a new form of society, that has sometimes been likened to the manners of the patriarchs, and sometimes to the baronial pride of feudalism. The inventory of Sir William Berkeley gave him seventy horses, as well as large flocks of sheep.(5) "Almost every man lived within sight of a lovely river."(6) The parish was of such extent, spreading over a tract which a day's journey could not cross, that the people met together but once on the Lord's day, and sometimes not at all; the church, rudely built in some central solitude, was seldom visited by the more remote families,(7) and was liable to become inaccessible by the broken limbs from forest-trees, or the wanton growth of underwood and thickets.

Here was a new form of human nature. A love of freedom inclining to anarchy pervaded the country. Among the people, loyalty was a feebler passion than the love of liberty. Existence "without government" seemed to promise to "the general mass"—it is a genuine Virginia sentiment(8)—"a greater degree of happiness" than the tyranny "of the European governments." Men feared injustice more than they feared disorder. In Europe, people gathered in towns; here they lived by themselves. In the Old World, even the peasantry crowded together into compact villages. The farmers of Virginia lived asunder, and in their mild climate were scattered very

(1) Hammond's *Lear and Rachel*.(2) *Mass. Hist. Coll.* xi. 53.

(3) Hening, ii. 204.

(4) Burk, ii. 159.

(5) Document in Burk, ii. 263.

(6) Hammond's *Lear and Rachel*.(7) *Virginia's Cure*, 2, 3.

(8) Jefferson's Writings, ii. 85. Yet society without government is a contradiction.

widely, rarely meeting in numbers, except at the horse-race or the county court.(1)

It was among such a people, which had never been disciplined to resistance by the heresies of sects or the new opinions of "factious" parties, which, till the restoration, had found the wilderness a safe protection against tyranny, and had enjoyed "a fifty years' experience of a government easy to the people," that the pressure of increasing grievances began to excite open discontent. Men gathered together in the gloom of the forests to talk of their hardships. The common people, half conscious of their wrongs, half conscious of the rightful remedy, were ripe for insurrection. A collision between prerogative and popular opinion, between that part of the wealth of the country which was allied with royalism, and the great mass of the numbers and wealth of the country, resting on popular power, between the old monarchical system and the American popular system, was at hand. American freedom had then the principle of life, but was unconscious of its vitality, as the bird that just begins to peck at the shell. Opinions were coming into life; and the plastic effort of modern political being was blindly, but effectually at work.(2)

On the first(3) spontaneous movement of the common people, the men of wealth and established consideration kept aloof. It is always so in revolutions. The revolt was easily suppressed by the calm advice "of some discreet persons," in whom the people had confidence. Yet the movement was not without effect; the county commissioners were ordered to levy no more taxes for their own emoluments.(4) But as the great abuses continued unreformed, the mutinous discontents(5) of the people were not quieted. The common people were rendered desperate by taxes, which deprived labour of nearly all its 1675- rate by taxes, which deprived labour of nearly all its 1676. earnings; and the excitement was increased, when, after a year's patience under accumulated oppressions, they received from the envoys of the colony, themselves by their heavy expenses a new burden, no hope of a remedy from England.(6) To produce an insurrection,

(1) Burk, ii. App. xlix.

(3) Chalmers says, 1675; an error.

(4) Hening, ii. 315, 316.

(6) Beverley, 66.

(2) Bland, in Burk, ii. 247, 151.

(5) *Ibid.* 559.

nothing was wanting but an excuse for appearing in arms.

The causes which had driven the Indians of New England to despair, acted with equal force on the natives of Virginia. The English had at first seemed to occupy no more than the skirts of the bay. By degrees they had explored the interior; the remote mountains had become an object of curiosity;(1) and a little band of adventurers had at length crossed the first range of mountains, and, descending into the valley of the Blue Ridge, had examined the heart of Virginia and proclaimed the beauty of the lands which form a succession of the most picturesque valleys in the world.(2) How could jealousies fail to be excited?

The Seneca Indians, a tribe of the Five Nations, had driven the Susquehannahs from their abode at the head of the Chesapeake to the vicinity of the Piscataways on the Potomac;(3) and Maryland had become involved in a war with the Susquehannahs and their confederates.(4) Murders had been committed on the soil of Virginia, and had been avenged by the militia on the borders.(5) As dangers increased, the river Potomac was guarded; and a body of Virginians, under the command of John Washington, the great-grandfather of George Washington, himself perhaps a surveyor, who had emigrated from the north of England to America eighteen years before, and had planted himself as a farmer in the county of Westmoreland, crossed the river to assist the people of Maryland(6) in besieging the common enemy. The warfare was conducted with vengeful passions. When six of the hostile chieftains presented themselves as messengers to treat of a reconciliation, in the blind fury of the moment they were murdered.(7)

The outrage was rebuked by Berkeley with abrupt energy. The old Cavalier declared, "If they had killed my father and my mother, and all my friends, yet if they had come to treat of peace, they ought to have gone in

(1) Henric, i. 281.

(2) Beverley, 62, 63.

(3) T. M.'s Beginning, Progress, and Conclusion of Bacon's Rebellion, p. 9.

(4) Bacon's Laws of Maryland, 1674, c. xxvii. and xxviii.

(5) T. M.'s Account, 8.

(6) A. Cotton's Account of our Late Troubles in Virginia, p. 3.

(7) Burwell Account of Bacon and Ingram's Rebellion, first printed in Mass. Hist. Coll. xi. 27, &c. Reprinted by P. Force, in 1835. So, too, Cotton, p. 3.

peace.”(1) The monopoly of the beaver-trade in Virginia(2) is also said to have prevailed on the avarice of the governor to favour the Indians.(3)

1675- Meantime the natives, having escaped from their 1676. fort, roamed by stealth from plantation to plantation, from the vicinity of Mount Vernon to the Falls of James River, carrying terror to every grange in the province; murdering, in blind fury, till their passions were glutted; and for each one of their chiefs ten of the English had been slain. Now, according to their wild superstitions, would the souls of their great men repose pleasantly in the shades of death.

Proposals of peace were renewed by the Susquehannahs and their confederates. The proposals were rejected. The Indians, subject to Virginia, begin to assert independence. The horrors of insecurity visit every log-house on the frontier; the plantations are laid waste; death ranges the land under the hideous forms of savage cruelty. The spirit that favoured popular liberty, awakes to demand the natural right of self-defence. The people despise the system of defence by forts,(4) which can so easily be 1676. avoided, and which are maintained at a vast and useless charge. With Bacon for their leader, they demand of the governor leave to rise and protect themselves.

Permission was withheld; for should Berkeley confess errors of judgment so glaring, that they could be discerned by the common people, whom the royalists had ever “counted more than half blind?”(5) The influence of the people could not countervail the interests of colonial courtiers, who derived emoluments from solitary abuses; and, as the elective franchise was virtually cancelled, it was in vain that the discontented party constituted much the greater number; there was but fresh indignation at misspent entreaties.(6)

The governor distrusted Nathaniel Bacon, because he was “popularly inclined.”(7) A native of England, born during the contests between the parliament and the king, nursed amidst the convulsive struggles occasioned by the

(1) T. M.'s Account, p. 12.

(2) Hening, ii. 20, 124, 140.

(3) T. M.'s Account, p. 11: “Passion and avarice, to which the governor was more than a little addicted.”

(4) Hening, ii. 326-336.

(5) Burwell Account, 33.

(6) Bland, in Burk, ii. 248. Burwell Account, 33, 38. *The Review* Breviaire by Jeffries. Berry and Morrison, in Burk, ii. 250.

(7) Burwell Account. 33. Burk, ii. 163, 247.

democratic revolution, well educated in a period when every active mind had been awakened to a consciousness of popular rights and popular power,—he had not yielded the love of freedom to the enthusiasm of royalty. Possessing a pleasant address and a powerful elocution, he had rapidly risen to distinction in Virginia. Quick of apprehension, brave, choleric, yet discreet in action,(1) the young and wealthy planter carried to the banks of the James River the liberal principles which he had gathered from English experience. The sect of the Puritans gained no power in Virginia; the ideas which the Puritans had generated, gradually penetrating the English mind, were readily received in the wilds of the Old Dominion; for they were but the ideas which the instinct of human freedom had already whispered to every planter, and which naturally sprung up amidst the equalities of the wilderness. Bacon was resolved on action. Were another white man murdered, he would take up arms against the Indians, even with no commission but his sword; and news was soon brought that his own men had been slain on his plantation, near the scenes where the James River leaps into the lowlands, and the city of Richmond towers above the unrivalled magnificence of flood and vale. Men flocked together tumultuously, running in troops from one plantation to another without a head.(2) The government had ceased to be revered. The council was divided. Five hundred men were soon under arms; the common voice proclaimed Bacon the leader of the enterprise, and his commanding abilities gave the ascendancy to the principles which he advocated, and the party which he espoused.

Moderation on the part of the government would still have secured peace. Sober men in Virginia were of opinion that a few concessions—the secure possession of land, the liberties of free-born subjects of England, a diminution of the public expenses, a tax on real estate rather than on polls alone—would have quieted the colony.(3) The real causes of the insurrection lay in the oppression of the

(1) "Though but a young man, he was master of those endowments which constitute a complete man,—wisdom to apprehend and discretion to choose."—Burwell Account, 34. Compare Jefferson's opinion, prefixed to T. M.'s Account. (2) Beverley, 68.

(3) Eiland's Letter to Berne, in *Burk*, ii. 348, 349. The writer of the letter was one of the victims of the rebellion. *Hening*, ii. 350. T. M.'s Account, 34.

Navigation Acts, indignation at colonial tyranny, and the rising passion for self-government.

Hardly had Bacon begun to march against the Indians, when Berkeley, yielding to the instigations of an aristocratic faction, proclaimed him and his followers rebels, and levied troops to pursue them. "Those of estates obeyed" (1) the summons to disperse. Bacon, with a small but faithful band, continued his expedition, while a new insurrection compelled Berkeley to return to Jamestown. The lower counties had risen in arms, and, directing their hatred against the old assembly, to which they ascribed their griefs, demanded its "immediate dissolution." (2)

With the whole mass of the people against him, the haughty Cavalier was constrained to yield. The assembly, which had become odious by its long duration, the selfishness of its members, and its diminution of popular freedom, was dissolved; writs for a new election were issued; and Bacon, returning in triumph from his Indian warfare, was unanimously elected a burgess from Henrico county. (3)

In the choice of this assembly, the late disfranchisement of freemen was little regarded. (4) A majority of the members returned were "much infected" with the principles of Bacon; (5) and their speaker, Thomas Godwin, was notoriously a friend to all "the rebellion and treason which distracted Virginia." (6) In the midst of contradictory testimony on the character of the insurgents, the acts of the assembly furnish the highest historical evidence, and must be taken as paramount authority on the purposes of "the Grand Rebellion in Virginia."

The late expenditures of public money had not been accounted for. (7) High debates arose on the wrongs of the indigent, who were oppressed by taxes alike unequal and exorbitant. (8) The monopoly of the Indian trade was suspended. (9) A compromise with the insurgents was effected; on the one hand, Bacon acknowledged his

(1) T. M.'s Account, 11. Compare Burwell Account, 34, 35. T. M. derived his statement from Bacon himself.

(2) Review, in Burk, ii. 250.

(3) T. M.'s Account, 11, 12.

(4) Review, in Burk, ii. 251 and 260.

(5) Justification of Berkeley, in Burk, ii. 260.

(6) Hening, ii. 365 and 557.

(7) Compare Culpepper, in Chalmers, 356.

(8) T. M.'s Account, 13.

(9) Hening, ii. 356.

error in acting without a commission,(1) and the assemblies of disaffected persons were censured as acts of mutiny and rebellion ; (2) on the other hand, Bacon was appointed commander-in-chief,(3) to the universal satisfaction of the people, who made the town ring with their joyous acclamations, and hailed "the darling of their hopes" as the appointed defender of Virginia.(4) The church aristocracy was broken up by limiting the term of office of the vestrymen to three years, and giving the election of them to the freemen of each parish.(5) The elective franchise was restored to the freemen whom the previous assembly had disfranchised ; and, as "false returns of sheriffs had endangered the peace," the purity of elections was guarded by wholesome penalties.(6) The arbitrary annual assessments, hitherto made by county magistrates, irresponsible to the people, were prohibited ; the Virginians insisted on the exclusive right of taxing themselves, and made provision for the county levy,—it was a radical measure, which independent Virginia has not yet imitated,—by the equal vote of their own representatives. The fees of the governor, in cases of probate and administration, were curtailed ; the unequal immunities of councillors were abrogated ; (7) the sale of wines and ardent spirits was absolutely prohibited, if not at Jamestown, yet otherwise through the whole country ; (8) two of the magistrates, notorious for raising county taxes for their private gains, were disfranchised ; and finally, that there might be no room for future reproach or discord, all past derelictions were covered under the mantle of a general amnesty.(9) The acts of this assembly manifest the principles of Bacon ; and were they not principles of justice, freedom, and humanity ?

The measures of the assembly were not willingly conceded by Berkeley, who refused to sign the commission that had been promised.(10) Fearing treachery, Bacon secretly withdrew, to recount his wrongs to the people ;

(1) Hening, ii. 543, 544.

(3) Ibid. ii. 349.

(5) Hening, ii. 366.

(7) Ibid. ii. 357, 358, 359.

(8) Ibid. ii. 361 : "Ordinaries to sell and utter man's meate, horse-meate, beer, and syder, but no other strong drink whatsoever." James City formed an exception.

(10) Correct Burk, ii. 167, 168, by p. 251, and Burwell Account, 36, 36, and by T. M.'s Account, 15 : "Governor's generosity, wheedles to amuse and circumvent," &c.

(2) Ibid. ii. 352.

(4) Burwell Account, 36.

(6) Ibid. ii. 357.

(9) Hening, ii. 363, 364.

and in a few days he reappeared in the city at the head of nearly five hundred armed men.(1) Passion sustained for a season the courage of the old Cavalier. Advancing to meet the troops, and baring his breast, he cried, "A fair mark, shoot."—"I will not," replied Bacon, "hurt a hair of your head, or of any man's; we are come for the commission to save our lives from the Indians." (2) When passion had subsided, Berkeley yielded. The commission was issued; the governor united with the burgesses and council in transmitting to England warm commendations of the zeal, loyalty, and patriotism of Bacon, and the ameliorating legislation of the assembly was ratified. That better legislation was completed, according to the new style of computation, on the fourth day of July,(3) 1676, just one hundred years, to a day, before the congress of the United States, adopting the declaration which had been framed by a statesman of Virginia, who, like Bacon, was "popularly inclined," began a new era in the history of man. The eighteenth century in Virginia was the child of the seventeenth; and Bacon's rebellion, with the corresponding scenes in Maryland, and Carolina, and New England, was the early harbinger of American independence and American nationality.

A momentary joy pervaded the colony. Encouraged by the active energy of Bacon, men scoured the forests and the swamps, wherever an Indian ambush could lie concealed. Security dawned; industry began to resume its wonted toils; when, just as the little army was preparing to march against the enemy, the governor violated the amnesty. Repairing to Gloucester county, the most populous and most loyal in Virginia, he summoned a convention of the inhabitants. "The whole convention" disrelished his proposals; esteeming Bacon the defender of their countrymen.(4) But the petulant pride of the Cavalier could not be appeased; against the advice of the most loyal county in Virginia, Bacon was once more proclaimed a traitor.(5)

But when did Virginia ever desert her patriot citizens? The news was conveyed to the camp by Drummond, the former governor of North Carolina, and by Richard

(1) Hening, ii. 380, says 600.

(2) T. M. s Account, 17.

(3) Hening, ii. 363: "June twenty-fourth," old style; that is, July 4, 1676.

(4) Burwell Account, 22.

(5) Burwell Account, 39. Burk, ii. 61. Beverley, 71.

Lawrence,(1) a pupil of Oxford, distinguished from the university for learning and sobriety, a man of deep reflection and of energy of purpose. "It vexes me to the heart," said Bacon, "that while I am hunting the wolves and tigers that destroy our lambs, I should myself be pursued as a savage. Shall persons wholly devoted to their king and country—men hazarding their lives against the public enemy—deserve the appellation of rebels and traitors? The whole country is witness to our peaceable behaviour. But those in authority, how have they obtained their estates? Have they not devoured the common treasury? What arts, what sciences, what schools of learning, have they promoted? I appeal to the king and parliament, where the cause of the people will be heard impartially." (2)

Meanwhile, addressing himself to the people of Virginia, he invited all, by their love of country, their love to their wives and children, to gather in a convention, and rescue the colony from the tyranny of Berkeley. The call was answered; none were willing to sit idle in the time of general calamity. The most eminent men in the colony came together at Middle Plantations, now Williamsburgh; Bacon excelled them all in arguments; the public mind seemed to be swayed by his judgment, and an oath was taken by the whole convention, to join him against the Indians, and, if possible, to prevent a civil war. Should the governor persevere in his obstinate self-will, they promise to protect Bacon against every armed force; and, after long and earnest arguments, held before the people in the open air from noon till midnight, it was resolved, that, even if troops should arrive from England, Virginia would resist till an appeal could reach the king in person.(3)

Fortified by the vote of the people, Bacon proceeded against the Indians, while Berkeley withdrew beyond the Chesapeake, and, by promises of booty, endeavoured to collect an army on the eastern shore, and among the seamen in the harbour.

The condition of Bacon and his followers became critical. Drummond, who was versed in the early history of

(1) T. M.'s Account, 13. Barwell Account, 79.

(2) Barwell Account, 39—41.

(3) Barwell Account, 41—46. Bart, ii. 261. T. M.'s Account, p. 21, less distinct. Cotton, p. 7, very clearly told. Beverley, 73, 74.

Virginia, advised that Berkeley should be deposed, and Sir Henry Chicheley substituted as governor. The counsel was disliked. "Do not make so strange of it," said Drummond, "for I can show, from ancient records, that such things have been done in Virginia." (1) Besides, the period of ten years, for which Berkeley was appointed, had already expired. (2) After much discussion, it was agreed, that the retreat of the governor should be taken for an abdication; and Bacon, who had been a member of the council, with four of his colleagues, issued writs for a representative convention of the people, by which the affairs of the colony should be managed. Virginia was revolutionized by the act of its own inhabitants, and government was instituted on the basis of popular power. The wives of Virginia statesmen shared the enthusiasm. "The child that is unborn," said Sarah Drummond,—"a notorious and wicked rebel,"—"shall have cause to rejoice for the good that will come by the rising of the country." (3) "Should we overcome the governor," said Ralph Weldinge, "we must expect a greater power from England, that would certainly be our ruin." Sarah Drummond remembered that England was divided into hostile factions for the Duke of York and the Duke of Monmouth. Taking from the ground a small stick, she broke it in twain, adding, "I fear the power of England no more than a broken straw." The relief from the hated Navigation Acts seemed certain. Now "we can build ships," it was urged, "and, like New England, trade to any part of the world." (4) The stout-hearted woman would not suffer a throb of fear in her bosom. In the greatest perils to which her husband was exposed, she confidently exclaimed, "We shall do well enough;" continuing to encourage the people and inspire the soldiers with her own enthusiasm. (5)

After the lapse of a century, the same passions and the same legislation returned. The early legislators of America were near to nature, and set natural precedents. Connecticut had offered a model for a popular government; Virginia gave an example of a popular revolution. There is an analogy between early American politics and the

(1) Bonds, &c. from 1677 to 1682, p. 106, in office of General Court at Richmond, where I copied this and other incidents relating to Bacon's rebellion, from unpublished records.

(2) Bonds, &c. p. 107. Berkeley, in Chalmers, calls his government settlement of ten years.

(4) Compare Bonds, &c. pp. 110 and 89.

(3) Ibid. &c. p. 105.

(5) Ibid. &c. p. 89.

earliest heroic poems. Both were spontaneous, and both had the vitality of truth. Long as natural affection endures, the poems of Homer will be read with delight; long as freedom lives on earth, the early models of popular legislation and action in America will be admired. The present effort wins new interest from its failure. The flag of freedom was unfurled, only to be stained with blood; the accents of liberty were uttered, only to be choked by executions.

Meantime, Sir William Berkeley collected in Accomack a large crowd of followers; men of a base and cowardly disposition, allured by the passion for plunder.⁽¹⁾ Civil wars were one of the means of enfranchising the serfs of England. Berkeley promised freedom to the servants of the insurgents, if they would rally under his banner. The English vessels in the harbours naturally joined his side. With a fleet of five ships and ten sloops, attended by royalists, a rabble of covetous hirelings, and a horde of Indians,⁽²⁾ the Cavalier sailed for Jamestown, where he landed without opposition. Entering the town, he fell on his knees, returning thanks to God for his safe arrival; and again proclaimed Bacon and his party traitors and rebels.

The cry resounded through the forests for "the countrymen" to come down. "Speed," it was said, "or we shall all be made slaves—man, woman, and child." "Your sword," said Drummond to Lawrence, "is your commission and mine too; the sword must end it;"⁽³⁾ and both prepared for resistance.

Returning from a successful expedition, and disbanding his troops, Bacon had retained but a small body of men for his personal defence, when the tidings of the fleet from Accomack surprised him in his retirement. His eloquence inspired his few followers with courage. "With marvellous celerity" they hasten towards their enemy. On the way, they secure as hostages the wives of royalists who were with Berkeley, and they soon appear under arms before Jamestown. The trumpet sounds defiance; and, under the mild light of a September moon, a rude intrenchment is thrown up. Civil war was begun. Night,

(1) All accounts concur. Berkeley's Vindication, in *Burk*, ii. 262. "Taking anything from the rebels, imputed a heinous crime." The complaint implies that there had been pillage. Review, in *Burk*, ii. 252. *Burwell Account*, 47, 48.

(2) *Bonds, &c.* 113, 114.

(3) *Ibid.* 110, 113.

the season, nature, freedom, all demanded peace. If the New World could not create friendship among the outcasts from Europe, were not the woods wide enough to hide men from each other's anger?

Victory did not hesitate. The followers of Berkeley were too cowardly to succeed in a sally; (1) and to secure plunder, they made grounds to desert. (2) No considerable service was done, except by the seamen. What availed the passionate fury and desperate courage of a brave and irascible old man? The royalists deserted the town, and escaped in their fleet by night.

On the morning after the retreat, Bacon entered the little capital of Virginia. There lay the ashes of Gosnold; there the gallant Smith had told the tale of his adventures of romance; there English wives had been offered for sale to eager colonists; there Pocahontas had sported in the simplicity of innocence. For nearly seventy years, it had been the abode of Anglo-Saxons. But could Bacon retain possession of the town? And should he abandon it as a stronghold for the enemies of his country? The rumour prevailed that a party of royalists from the northern counties was drawing near. In a council of war, it was resolved to burn Jamestown, the only town in Virginia, that no shelter (3) might remain for an enemy. Should troops arrive from England, every man was ordered to retire into the wilderness. (4) Tyrants would hardly chase the planters into their scattered homes, among the woods. And, as the shades of night descended, the village was set on fire. Two of the best houses belonged to Lawrence and Drummond; each of them, with his own hand, kindled the flames that were to lay his dwelling in ashes. (5) The little church, the oldest in the Dominion, the newly-erected state-house, were consumed. In the darkness of night, the conflagration blazed high in the air, and was seen by the fleet that lay at anchor twenty miles below the town. (6) Virginia offered its only village as a victim for its freedom. Patriots fired their own houses, lest they should harbour enemies to their country. The ruins of the tower of the church, and the memorials in the adjacent grave-

(1) Burwell Account, 53, 54.

(2) Review, in Burk, ii. 252.

(3) For the motive, Cotton, p. 8, and T. M.'s Account, p. 21: "The rogues should harbour no men there," "To prevent a future siege."

(4) T. M.'s Account, p. 21.

(5) Ibid. 21.

(6) Review, in Burk, ii. 252, and Burwell Account, 54.

yard, are all that now mark for the stranger the peninsula of Jamestown.(1)

From the smoking ruins, Bacon hastened to meet the royalists from the Rappahannock. No engagement ensued; the troops, in a body, joined the patriot party; and Brent, their royalist leader, was left at the mercy of the insurgents. Even the inhabitants of Gloucester gave pledges of adhesion. Nothing remained but to cross the bay, and revolutionize the eastern shore.

The little army of Bacon had been exposed, by night, to the damp dews of the lowlands; and the evening air of the balmy autumn was laden with death. Bacon himself suddenly sickened; his vital energies vainly struggled with the uncertain disease,(2) and on the first day of October he died. Seldom has a political leader been more honoured by his friends. "Who is there now," said they, "to plead our cause? His eloquence could animate the coldest hearts; his pen and sword alike compelled the admiration of his foes, and it was but their own guilt that styled him a criminal. His name must bleed for a season; but when time shall bring to Virginia truth crowned with freedom, and safe against danger, posterity shall sound his praises."(3)

An uneducated people obeys promptly the first call to action for freedom; it is less capable of union and perseverance. The death of Bacon left his party without a head. A series of petty insurrections followed; but in Robert Beverley the royalists found an agent superior to

(1) Hawks's Contributions, 20.

(2) Was Bacon poisoned? Hening rashly ventures the conjecture, ii. 374. Yet in 1680, Hening, ii. 460, his death is called "infamous and exemplary;" and, in 1677, Hening, ii. 374, it is called "just, and most exemplary." In Hening, ii. 426, in a subsequent order from England, "all wailes of force and designe" are sanctioned. An old poet, in the Burwell Account, p. 58, writes,—

"Virginia's foes, dreading their just desert,
Corrupted Death by Paracelsian art
Him to destroy."

And a royalist, in reply, p. 59, does not hesitate to write,—

"Then how can it be counted for a sin,
Though Death, nay, though myself had bribed been,
To guide the fatal shaft? We honour all
That lend a hand unto a traitor's fall."

(3) In the old chronicle, p. 59,—

"While none shall dare his obsequies to sing,
In deserved measures, until time shall bring
Truth crowned with freedom, and from danger free,
To sound his praises to posterity."

any of the remaining insurgents. The ships in the river were at his disposal, and a continued warfare in detail restored the supremacy of the governor.

Thomas Hansford, a native Virginian, was the first partisan leader whom Beverley surprised. Young, gay, and gallant, nursed among the forests of the Old Dominion, fond of amusement, not indifferent to pleasure, impatient of restraint, keenly sensitive to honour, fearless of death, and passionately fond of the land that had given him birth, he was a true representative of the Virginia character. Summoned before the vindictive Berkeley, he disdained to shrink from the malice of destiny, and Berkeley condemned him to be hanged. Neither at his trial nor afterwards, did he show any diminution of fortitude. He demanded no favour, but that "he might be shot like a soldier, and not hanged like a dog." "You die," it was answered, "not as a soldier, but as a rebel." During the short respite after sentence, his soul was filled with the prospect of immortality. Reviewing his life, he expressed penitence for every sin. What was charged on him as rebellion, he denied to have been a sin. "Take notice," said he, as he came to the gibbet, "I die a loyal subject, and a lover of my country." That country was Virginia. Hansford perished, the first native of America on the gallows, a martyr to the right of the people to govern themselves.(1)

Taking advantage of their naval superiority, a party of royalists entered York River, and surprised the troops that were led by Edmund Cheesman and Thomas Wilford. The latter, a younger son of a royalist knight, who had fallen in the wars for Charles I., a truly brave man, and now by his industry a successful emigrant, lost an eye in the skirmish. "Were I stark blind," said he, "the governor would afford me a guide to the gallows." When Cheesman was arraigned for trial, Berkeley demanded, "Why did you engage in Bacon's designs?" Before the prisoner could frame an answer, his wife, a young woman, stepped forward—"My provocations"—such were her words—"made my husband join in the cause for which Bacon contended; but for me, he had never done what he has done. Since what is done," she added, falling on her knees, "was done by my means, I am most guilty; let me bear the punishment; let me be hanged, but let my

(1) Burwell Account, 62. Cotton, 9. Hening, iii. 567.

husband be pardoned." She spoke truth; but the governor angrily cried, "Away!" adding reproach to the purity of her nuptial bed. Proud insolence! As if woman would die for one she had dishonoured! (1)

As the power of Berkeley increased, his passions were whetted by the opportunity of indulgence. Nothing is so merciless as offended pride; a former affront is remembered as proof of weakness; and it seeks to restore self-esteem by a flagrant exercise of recovered power. Avarice also found delight in fines and confiscations; no sentiment of clemency was tolerated. From fear that a jury would bring in verdicts of acquittal, men were hurried to death from courts-martial. (2) "You are very welcome," 1677. cried the exulting Berkeley, with a low bow, on meeting William Drummond, as his prisoner; "I am more glad to see you than any man in Virginia; you shall be hanged in half an hour." The patriot, avowing boldly the part he had acted, was condemned at one o'clock, and hanged at four. His children and wife were driven from their home, to depend on the charity of the planters. (3) At length it was deemed safe to resort to the civil tribunal, where the judges proceeded with the virulence of accusers. Of those who put themselves on trial, none escaped being convicted and hanged. A panic paralyzed the juries, there was in most men so much guilt or fear. (4) What though 1677. commissioners arrived with a royal proclamation, promising pardon to all but Bacon? (5) In defiance of remonstrances, executions continued till twenty-two had been hanged. Three others had died of cruelty in prison; three more had fled before trial; two had escaped after conviction. More blood was shed than, on the action of our present system, would be shed for political offences in a thousand years. "The old fool," said the kind-hearted Charles II., with truth, "has taken away more lives in that naked country, than I for the murder of my father." And in a public proclamation he censured the conduct of Berkeley, as contrary to his commands and derogatory to

(1) Burwell Account, 64. Hening, ii. 375. Cotton, 9.

(2) True Account, in Burk, ii. 254.

(3) Bonds, &c. pp. 87 and 111. Burwell Account, 79. Hening, ii. 378, 546, 558. Burk, ii. 201, 263, 264, 266.

(4) True Account, in Burk, ii. 255.—N.B. Let the reader not be led astray by the very ridiculous error of Burk, ii. 260, where he narrates "the acquittal of ten in one day."—Pure fiction, though repeated by a late writer. Compare Burk, ii. 255 and 263.

(5) Hening, ii. 428, 430.

his clemency.(1) Nor is it certain when the carnage would have ended, had not the assembly, newly convened, voted an address "that the governor would spill no more blood." "Had we let him alone, he would have hanged half the country," said the member from Northampton to his colleague from Stafford.(2)

The memory of those who have been wronged is always pursued by the ungenerous. England, ambitious of absolute colonial supremacy, could not render justice to the principles by which Bacon was swayed. No printing-press was allowed in Virginia. To speak ill of Berkeley or his friends, was punished by whipping or a fine; to speak or write, or publish anything in favour of the rebels or the rebellion, was made a high misdemeanour; if thrice repeated, was evidence of treason.(3) Is it strange that posterity was for more than a hundred years defrauded of the truth? Every accurate account of the insurrection remained in manuscript till the present century.(4)

It was on occasion of this rebellion, that English troops were first introduced into the English colonies in America. Their support was burdensome. After three years they were disbanded, and probably mingled with the people.(5)

With the returning squadron Sir William Berkeley sailed for England. Guns were fired, and bonfires kindled at his departure.(6) Public opinion in England censured his conduct with equal severity; and Lord Berkeley used to say, that the unfavourable report of the commissioners in Virginia caused the death of his brother. It took place soon after Sir William's arrival in England, before he had had an opportunity of waiting on the king.

The results of Bacon's rebellion were disastrous for Virginia. The suppression of an insurrection furnished an excuse for refusing a liberal charter, and conceding
1676. nothing more than a patent, containing not one political franchise.(7) Freedom in Virginia rested on royal favour, and was measured by the royal will, except so far

(1) Hening, ii. 429. Oldmixon, i. 257, asserts that the king highly approved of Berkeley's conduct. The proclamation must be allowed the highest possible authority to the contrary.

(2) T. M.'s Account, 24. Hening, ii. 545—558.

(3) Hening, ii. 385, 386.

(4) Compare Walsh's Appeal, 78.

(5) Chalmers, 351, 352.

(6) F. Morryson, in Burk, ii. 267.

(7) Burk, ii. App. lxi. Hening, ii. 532. Beverley, 76.

as the common law protected the inhabitants in the rights of Englishmen. The form of government was further defined by royal instructions (1) that had been addressed to Berkeley. Assemblies were required to be called but once in two years, and to sit but fourteen days, unless for special reasons. "You shall take care," said the king, "that the members of assembly be elected only by freeholders." In conformity with these instructions, all ¹⁶⁷⁷ the acts of Bacon's assembly, except perhaps one which permitted the enslaving of Indians, and which was confirmed and renewed, were absolutely repealed, (2) and the former grievances immediately returned. The private levies, unequal and burdensome, were managed by men who combined to defraud; the public revenues were often misapplied; each church was again subjected to its self-perpetuating vestry; an enormous loss had been sustained by the insurrection; and the burden was more severely felt by the poorer classes, because the elective franchise was circumscribed, while taxes continued to be levied by the poll. (3) The commissioners sent by the king, to inquire into the condition of Virginia, allowed every district to present its afflictions. The happy county of Westmoreland, the county of which John Washington was a burgess and a magistrate, (4) declared that it felt no grievances. (5) In other counties there were long reports of tyranny and rapine. But if complaints were heard with impartiality—if the rash imprudence of Berkeley did not escape rebuke—every measure of effectual reform was considered void, and every aristocratic feature that had been introduced into legislation, was perpetuated.

While the restoration had thus been attended by scenes of carnage and civil war, the progress of Maryland, under the more generous proprietary government, was tranquil and rapid. Like Virginia, Maryland was a colony of planters; its staple was tobacco, and its prosperity was equally checked by the pressure of the Navigation Acts. Like Virginia, it possessed no considerable village; its inhabitants were scattered among the woods and along the rivers; each plantation was a little world within itself, and legislation vainly attempted the creation of towns by

(1) Hening, ii. 424—426, where they are printed at large.

(2) *Ibid.* ii. 389; ii. 346, 404.

(3) Culpepper, in Chalmers, 353, 356.

(4) Hening, ii. 250, 309, 330.

(5) Chalmers, 338.

statute. Like Virginia, its labourers were in part indented servants, whose term of service was limited by persevering legislation; (1) in part negro slaves, who were employed in the colony from an early period, and whose importation was favoured both by English cupidity and by provincial statutes.(2) As in Virginia, the appointing power to nearly every office in the counties, as well as in the province, was not with the people; and the judiciary was placed beyond their control.(3) As in Virginia, the party of the proprietary, which possessed the government, was animated by a jealous regard for prerogative, and by the royalist principles, which derive the sanction of authority from the will of heaven. As in Virginia, the taxes levied by the county officers were not conceded by the direct vote of the people, and were, therefore, burdensome alike from their excessive amount and the manner of their levy.(4) But though the administration of Maryland did not favour the increasing spirit of popular liberty, it was marked by conciliation and humanity. To foster industry, to promote union, to cherish religious peace,—these were the honest purposes of Lord Baltimore during his long supremacy.

At the restoration, the authority of Philip Calvert, whom the proprietary had commissioned as his deputy, was promptly and quietly recognized. Fendall, the former governor, who had obeyed the impulse of the popular will, as paramount to the authority of Baltimore, was convicted of treason. His punishment was mild; a wise clemency veiled the incipient strife between the people and their sovereign, under a general amnesty. Peace was restored, but Maryland was not placed beyond the influence of the ideas which that age of revolution had set in motion; and the earliest opportunity would renew the strife.

Yet the happiness of the colony was enviable. The persecuted and the unhappy thronged to the domains of the benevolent prince. If Baltimore was, in one sense, a monarch,—like Miltiades at Chersonesus, and other founders of colonies of old—his monarchy was tolerable to the exile who sought for freedom and repose. Numerous

(1) Bacon, 1661, c. x.; 1662, c. vi.

(2) Ibid. 1671, c. ii.; confirmed 1672, c. ii.; renewed Oct. 1692, c. lii.

(3) Macculloch's Maryland, 155, &c.

(4) This is in part inference from the laws at large. Compare T. M.'s Account of Bacon's Rebellion, p. 21. An important passage.

ships found employment in his harbours. The white labourer rose rapidly to the condition of a free proprietor; the female emigrant was sure to improve her condition, and the cheerful charities of home gathered round her in the New World. Affections expanded in the wilderness, where artificial amusements were unknown. The planter's whole heart was in his family; his pride in the children that bloomed around him, making the solitudes laugh with innocence and gaiety.

Emigrants arrived from every clime; and the colonial legislature extended its sympathies to many nations, as well as to many sects. From France came Huguenots; from Germany, from Holland, from Sweden, from Finland, I believe from Piedmont, the children of misfortune sought protection under the tolerant sceptre of the Roman Catholic. Bohemia itself, (1) the country of Jerome and of Huss, sent forth its sons, who at once were made citizens of Maryland with equal franchises. The empire of justice and humanity, according to the light of those days, had been complete but for the sufferings (2) of the people called Quakers. Yet they were not persecuted for their religious worship, which was held publicly, and without interruption. (3) "The truth was received with reverence and gladness;" and with secret satisfaction George Fox relates that members of the legislature and the council, persons of quality, and justices of the peace, were present at a large and very heavenly meeting. The Indian emperor, after a great debate with his council, came also, followed by his kings, with their subordinate chieftains, and, reclining on the eastern shore of the Chesapeake, they listened to the evening discourse of the benevolent wanderer. At a later day, the heir of the province attended a Quaker assembly. But the refusal of the Quakers to perform military duty subjected them to fines and harsh imprisonment; the refusal to take an oath sometimes involved them in a forfeiture of property; nor was it before 1688, six years after the arrival of William Penn in America, that indulgence was fully conceded.

Meantime the virtues of benevolence and gratitude ripened together. Charles, the eldest son of the proprietary, came to reside in the province which was to

(1) Bacon, 1666, c. vii.

(2) Besse, ii. 381—388. Very exact. McMahon, 227, less full than the Quaker historian.

(3) George Fox's Journal, 448, &c.

be his patrimony. He visited the banks of the Delaware,⁽¹⁾ and struggled to extend the limits of his jurisdiction.⁽²⁾ As in Massachusetts, money was coined at a provincial mint,⁽³⁾ and, at a later day, the value of foreign coins was arbitrarily advanced. A duty was levied on the tonnage of every vessel that entered the waters.⁽⁴⁾ It was resolved to purchase a state-house, which was subsequently built at a cost of forty thousand pounds of tobacco—about a thousand dollars. The Indian nations were pacified; and their rights, subordination, and commerce, defined and established. But the mildest and most amiable feature of legislation is found in the acts of compromise⁽⁵⁾ between Lord Baltimore and the representatives of the people, in which the power of the former to raise taxes was accurately limited, and the mode of paying quit-rents established on terms favourable to the colony; while, on the other hand, a custom of two shillings a hogshead was levied on all exported tobacco, of which a moiety was appropriated to the defence of the government; the residue became conditionally the revenue of the proprietary. The compromise, though called “an act of gratitude,” was favourable to the colonists. The people held it a duty themselves to bear the charges of government, and they readily acknowledged the unwearied care of the proprietary for the welfare of his dominions.

Thus was the declining life of Cecilius Lord Baltimore, the father of Maryland, the tolerant legislator, the benevolent prince, blessed with the success which philanthropy deserves. The colony which he had planted in youth, crowned his old age with its gratitude. Who among his peers could vie with him in honours? A firm supporter of prerogative, a friend to the Stuarts, he was touched with the sentiment of humanity; an earnest disciple of the Roman church, of which he venerated the expositions of truth as infallible, he, first among legislators, established an equality among sects. Free from religious bigotry, a

(1) Albany Records, xvii. 286: “Young Baltimore has in contemplation to make a visit on the river” (xvii. 297).

(2) Compare Albany Records, xvii. 315, 245; xviii. 337—365. More on this subject hereafter. Heerman’s Journal sheds a clear light on the controversy with Penn.

(3) Bacon, 1661, c. iv.; 1662, c. viii.; 1666, c. iv.

(4) *Ibid.* 1661, c. vii.

(5) *Ibid.* 1662, c. xix.; 1671, c. xi.; 1674, c. i.

lover of concord and of tranquillity, he could not rise above the political prejudices of his party. He knew not the worth or the fruits of popular power; he had not perceived the character of the institutions which were forming in the New World, and his benevolent designs were the results of his own moderation, the fruit of his personal character, without regard to the spirit of his age. In Rhode Island, intellectual freedom was a principle which Roger Williams had elicited from the sympathies of the people; in Maryland, it was the happy thought of the sovereign, who did not know that ideas find no secure shelter but in the breast of the multitude. The people are less easily shaken than the prince. Rhode Island never lost the treasure of which it had become conscious. The principle of freedom of mind did not exist in the people of Maryland, and, therefore, like the benevolence of individuals, was an uncertain possession, till the same process of thought, which had redeemed the little colony of the north, slowly, but surely, infused itself into the public mind on the Chesapeake. Lord Baltimore failed to obtain that highest fame, which springs from successful influence on the masses; his personal merits are free from stain. The commercial metropolis of Maryland commemorates his name; the memory of his wise philanthropy survives in American history. He died, after a supremacy of 1675. more than forty-three years, leaving a reputation for temperate wisdom, which the dissensions in his colony and the various revolutions of England could not tarnish. He did not leave the impress of his mind on the political character of Maryland, and, therefore, failed of obtaining the brightest glory of a legislator. Of the elements of which he was primarily the author, nothing endured but the rights of property reserved for his family.

The death of Cecilus recalled to England the heir 1676. of the province, who had now administered its government for fourteen years with a moderation which had been rewarded by the increasing prosperity of his patrimony. Previous to his departure, the whole code of laws received a thorough revision; the memorable act of toleration was confirmed. Virginia had, six years 1670. before, prohibited the importation of felons, until the king or privy council should reverse the order. In Maryland, "the importation of convicted persons" was absolutely prohibited, without regard to the will of the king or

the English parliament, and in 1692 the prohibition was renewed.(1) The established revenues of the proprietary were continued.

As Lord Baltimore sailed for England, the seeds of discontent were already germinating. The office of proprietary, a feudal principality, with extensive manors in every county, was an anomaly; the sole hereditary legislator in the province, his power was not in harmony with the political predilections of the colonists, or the habits of the New World. The doctrine of the paramount authority of an hereditary sovereign was at war with the spirit which emigration fostered, and the principles of civil equality naturally grew up in all the British settlements. The insurrection of Bacon found friends north of the Potomac, and a rising was checked only by the prompt energy of the government.(2) But the vague and undefined cravings after change, the tendency toward more popular forms of administration, could not be repressed. The

assembly which was convened during the absence of 1678. the proprietary shared in this spirit; and the right of suffrage was established on a corresponding basis.(3) The party of "Baconists" had obtained great influence on the public mind. Differences between the proprietary and the people became apparent. On his return to the province, he himself, by proclamation, annulled the rule

1681. which the representatives of Maryland had established respecting the elective franchise, and, by an arbitrary ordinance, limited the right of suffrage to freemen possessing a freehold of fifty acres, or having a visible personal estate of forty pounds. No difference was made with respect to colour. In Virginia, the negro, the mulatto, and the Indian, were first disfranchised in 1723; in Maryland, they retained by law the right of suffrage

1802. till the time when the poorest white man recovered his equal franchise. These restrictions, which, for one hundred and twenty-one years, successfully resisted the principle of universal suffrage among freemen of the Caucasian race, were introduced in the midst of scenes of civil commotion. Fendall, the old republican,(4) was

(1) Hening, ii. 509, 510. Bacon, 1676, c. xvi.

(2) T. M.'s Account, p. 21. Lord Baltimore to the Earl of Anglesey, in Chalmers, p. 376: "In the time of Bacon's rebellion, he [Fendall] tried to raise a rebellion here."

(3) Bacon, 1678, c. iii. McMahon, 445.

(4) Documents, in Chalmers, 376. The letter is from Lord Baltimore,—of course, an *ex parte* statement.

again planning schemes of insurrection, and even of independence. The state was not only troubled with poverty, but was in danger of falling to pieces; for, it was said, "The maxims of the old Lord Baltimore will not do in the present age." (1)

The insurrection was for the time repressed; but its symptoms were the more alarming from the religious fanaticism with which the principle of popular power was combined. The discontents were increased by hostility toward the creed of Papists; and, as Protestantism became a political sect, the proprietary government was in the issue easily subverted; for it had struck no deep roots either in the religious tenets, the political faith, or the social condition of the colony. It had rested only on a grateful deference, which was rapidly wearing away.

Immediately on the death of the first feudal sovereign, 1676. reign of Maryland, the powerful influence of the archbishop of Canterbury had been solicited to secure an establishment of the Anglican church, which clamoured for favour in the province where it enjoyed equality. Misrepresentations were not spared. "Maryland," said a clergyman of the church, "is a pest-house of iniquity." The cure for all evil was to be "an established support of a Protestant ministry." (2) The prelates demanded, not freedom, but privilege; an establishment to be maintained at the common expense of the province. Lord Baltimore resisted; the Roman Catholic was inflexible in his regard for freedom of worship.

The opposition to Lord Baltimore as a feudal sovereign easily united with Protestant bigotry; and when the 1681. insurrection was suppressed, by methods of clemency and forbearance, the government was vehemently accused of favour towards Papists. The opportunity was too favourable to be neglected; the English ministry soon issued an order, that offices of government in Maryland should be intrusted exclusively to Protestants. Roman Catholics were disfranchised in the province which they had planted.

With the colonists, Lord Baltimore was at issue for his hereditary authority, with the English church for his religious faith; attempts to modify the unhappy effects of the Navigation Acts on colonial industry, involved him in

(1) Calpepper, in Chalmers, 357.

(2) Rev. J. Yeo, in Chalmers, 373.

opposition to the commercial policy of England. His rights of jurisdiction had been disregarded; the custom-house officer of Maryland had been placed under the superintendence of the governor of Virginia; and the unwelcome relations, resisted by the officers of Lord Baltimore, had led to quarrels and bloodshed, which were

followed by a controversy with Virginia.⁽¹⁾ The
 1685. accession of James II. seemed an auspicious event for a Roman Catholic proprietary; but the first result from parliament was an increased burden on the industry of the colony, by means of a new tax on the consumption of its produce in England; while the king, who meditated the subversion of British freedom, resolved, with impartial injustice, to reduce all the colonies to a direct dependence on the crown. The proprietary, hastening to England, vainly pleaded his irreproachable administration. Remonstrance was disregarded, and char-
 1687. tered rights despised; and a writ of *quo warranto* was ordered against the patent of Lord Baltimore. But before the legal forms could be brought to an issue, the people of England had sat in judgment on their king.

The approach of the revolution effected no immediate benefit to Lord Baltimore. What though mutinous
 1688. speeches and practices against the proprietary government were punishable by whipping, boring the tongue, imprisonment, exile, death itself? The spirit of popular liberty, allied to Protestant bigotry and the clamour of a pretended popish plot, was too powerful an adversary for his colonial government. William Joseph, the president to whom he had intrusted the administration, convened an assembly. The address, on opening it, explains the character of the proprietary, and of the insurrection which followed. "Divine Providence," said the representative of Lord Baltimore, "hath ordered us to meet. The power by which we are assembled here, is undoubtedly derived from God to the king, and from the king to his excellency, the lord proprietary, and from his said lordship to us. The power, therefore, whereof I speak, being, as said, firstly, in God and from God; secondly, in the king and from the king; thirdly, in his lordship; fourthly, in us;—the end and duty of, and for which this assembly is now called and met, is that from these four heads, to wit: from God, the king, our lord, and selves.'

(1) Communicated from Maryland Records.

Having thus established the divine right of the proprietary, he endeavoured to confirm it by invading the privileges of the assembly, and exacting a special oath of fidelity to his dominion. The assembly resisted the attempt, and was prorogued.⁽¹⁾ Is it strange that excitements increased; that they were heightened by tidings of the invasion of England; that they were kindled into a flame by a delay in proclaiming the new sovereign? An organized insurrection was conducted by John Coode, of 1689. old an associate of Fendall; and "The Association in arms, for the defence of the Protestant religion," usurped the government. Can the cause of liberty never be asserted in perfect purity? The revolution was a sign of the advancing spirit of the age; yet Coode was a worthless man. His party was strengthened by the most false and virulent calumnies against the absent proprietary, and the overthrow of liberty of conscience was menaced by the insurrection. But would the reformed English government suffer Papists to be oppressed in the colony where Papists had proclaimed freedom of mind, and set the example of toleration? Would the new dynasty seek to appropriate to itself the power and the rights that had been wrested from Lord Baltimore by turbulent violence? The method pursued by the ministry of William and Mary towards Maryland would test their sincerity, and show whether they were governed by universal principles of justice, or had derived their inspiration for liberty from circumstances and times—whether they had made a revolution in favour of humanity or in behalf of established privileges.

About two years after Virginia had been granted 1675. to Arlington and Culpepper, the latter obtained an appointment as governor of Virginia for life, and was proclaimed soon after Berkeley's departure.⁽²⁾ The 1677. Ancient Dominion was changed into a proprietary government, and the administration surrendered, as it were, to one of the proprietaries, who, at the same time, was sole possessor of the immense domain between the Rappahannock and the Potomac. Culpepper was disposed 1680. to regard his office as a sinecure, but the king chid him for remaining in England; and embarking for Virginia,

(1) McMahon, 235. The chapters of Chalmers on Maryland are the most accurate of them all. Chalmers had resided in Maryland.

(2) Hening, ii. 564.

the governor, early in 1680, arrived in his province.(1) He had no high-minded regard for Virginia; he valued his office and his patents only as property. Clothed by the royal clemency with power to bury past contests, he perverted the duty of humanity into a means of enriching himself, and increasing his authority. Yet Culpepper was not singularly avaricious. His conduct was in harmony with the principles which prevailed in England. As the British merchant claimed the monopoly of colonial commerce, as the British manufacturer valued Virginia only as a market for his goods, so the British courtiers looked to appointments in America as a means of enlarging their own revenues, or providing for their dependants. Nothing but Lord Culpepper's avarice gives him a place in American history. Ignoble as is the claim, it contains a profound moral. Who can doubt that the people collectively exercise the appointing power more wisely than any individual?

Having taken the oath of office at Jamestown, and organized his council of members friendly to prerogative, the wilful followers of Bacon were disfranchised. An assembly was convened in June, and three acts, framed in England and confirmed in advance by the great seal, were proposed for enactment. The first was of indemnity and oblivion—less clement than had been hoped, yet definitive, and therefore welcome. The second withdrew from the assembly the powers it had claimed of welcoming the alien with privileges of citizenship, and declared it a prerogative of the governor. And the third, still more grievous to colonial liberty, constructed after an English precedent, yet so hateful to Virginians, that it encountered severe opposition, and was carried only from hope of pardon for the rebellion, authorized a perpetual export duty of two shillings a hogshead on tobacco, and granted the proceeds as a royal revenue for the support of government, to be accounted for, not to the assembly, but to the king.(2) Thus the power of Virginia over colonial taxation, the only check on the administration, was voted away without condition. The royal revenue was ample and was perpetual. Is it strange that political parties in

(1) Burk, ii. 226. I think by 1679 must be meant 1679-80, or it is an error. Beverley was right in "making Culpepper's stay fall short of a year." His residence was from early in the year to August, 1680.

(2) Hening, ii. 568, 569, 458, &c. 466, &c. Beverley, p. 79.

Virginia showed signs of change?—that many who had been zealous among the Cavaliers, became blended with the mass of the population, and learned to distrust the royal influence?

For his own interests Lord Culpepper was equally careful. The salary of governor of Virginia had been a thousand pounds: for him it was doubled, because he was a peer. A further grant was made for house-rent. Perquisites of every kind were sought for and increased. Nay, the peer was hardly an honest man. He defrauded the soldiers of a part of their wages, by an arbitrary change in the value of current coin. (1) Having made himself familiar with Virginia, and employed the summer profitably, in the month of August he sailed for England from Boston. (2) How unlike Winthrop and Haynes, Clarke and Williams!

Virginia was impoverished; the low price of tobacco left the planter without hope. The assembly had attempted by legislation to call towns into being, and cherish manufactures. With little regard to colonial liberties, it also petitioned the king to prohibit by proclamation the planting of tobacco in the colonies for one year. The first measure could not countervail the Navigation Acts; with regard to the second, riots were substituted for the royal proclamation, and mobs collected to cut up the fields of tobacco-plants. The country was wretched, and therefore restless.

Culpepper returned, to reduce Virginia to quiet, 1682. and to promote his own interests as proprietor of the Northern Neck. A few victims on the gallows silenced discontent. The assembly was convened, and its little remaining control over the executive was wrested from it. The council constituted the General Court of Virginia; according to usage, appeals lay from it to the General Assembly. The custom was eminently favourable to the power of the people; it menaced Culpepper with defeat in his attempts to appropriate to himself the cultivated plantations of the Northern Neck. The artful magistrate fomented a dispute between the council and the assembly. The burgesses, in their high court of appeal, claimed to sit alone, excluding the council from whose decision the appeal was made; and Culpepper, having referred the ques-

(1) Beverley, 70, 80.

(2) Hening, ii. 561. Hutchinson's Mass. i. 299.

tion to the king for decision, soon announced that no appeals whatever should be permitted to the assembly,^{1683.} nor to the king in council, under the value of one hundred pounds sterling. It shows the spirit of the council of Virginia, that it welcomed the new rule, desiring only that there might be no appeal to the king under the value of two hundred pounds.(1)

The holders of land within the grant of Culpepper now lay at his mercy, and were compelled eventually to negotiate a compromise.

All accounts agree in describing the condition of Virginia, at this time, as one of extreme distress. Culpepper had no compassion for poverty—no sympathy for a province impoverished by perverse legislation—and the residence in Virginia was so irksome, that in a few months he returned to England. The council reported the griefs and restlessness of the country; and they renew the request, that the grant to Culpepper and Arlington may be recalled. The poverty of the province rendered negotiation more easy; the design agreed well with the new colonial policy of Charles II. Arlington surrendered his rights to Culpepper; and, in the following year, the crown was^{1684.} able to announce that Virginia was again a royal province.(2)

Nor did Culpepper retain his office as governor. His patent was for life; but, like so many other charters, it was rendered void by a process of law,(3) not so much^{1683.} from regard for Virginia liberties, as to recover a prerogative for the crown.

Lord Howard of Effingham was Culpepper's successor. Like so many before and after him, he solicited office in America to get money,(4) and resorted to the usual expedient of exorbitant fees. It is said, he did not scruple to share perquisites with his clerks. The ideas of right and wrong—the same in every breast, if the voice within does but find a willing listener—are yet obscured and perverted by men's interests and habits. In Virginia, the avarice of Effingham was the public scorn; in England, it met with no severe reprobation.

The accession of James II. made but few changes in the political condition of Virginia. The suppression of Mon-

(1) Hening, iii. 550. Beverley, 82, 83.

(2) Ibid. ii. 561, 563, 578, 621, 522. Beverley, 85.

Chalmers, 345.

(4) Chalmers, 347. Beverley, 85.

mouth's rebellion gave to the colony useful citizens.

Men connect themselves, in the eyes of posterity, with the objects in which they take delight. James II. 1685. was inexorable towards his brother's favourite. Monmouth was beheaded, and the triumph of legitimacy was commemorated by a medal, representing the heads of Monmouth and Argyle on an altar, their bleeding bodies beneath, with this inscription, "*Sic aras et sceptrum tuetur*;"—thus we defend our altars and our throne. "Lord chief justice is making his campaign in the west;"—I quote from a letter which James II., with his own hand, wrote to one in Europe, in allusion to Jeffries' circuit for punishing the insurgents—"he has almost done his campaign. He has already condemned several hundreds—some of whom are already executed, more are to be, and the others sent to the plantations." This is the language of the sovereign of our ancestors. The prisoners condemned to transportation were a salable commodity. Such was the demand for labour in America, that convicts and labourers were regularly purchased and shipped to the colonies, where they were sold as indented servants. The courtiers round James II. exulted in the rich harvest which the rebellion promised, and begged of the monarch frequent gifts of their condemned countrymen. Jeffries heard of the scramble, and indignantly addressed the king, "I beseech your majesty, that I may inform you that each prisoner will be worth ten pound, if not fifteen pound, apiece; and, sir, if your majesty orders these as you have already designed, persons that have not suffered in the service will run away with the booty." At length the spoils were distributed. The convicts were in part persons of family and education, accustomed to elegance and ease. "Take all care," wrote the monarch, under the countersign of Sunderland, to the government in Virginia—"take all care that they continue to serve for ten years at least, and that they be not permitted in any manner to redeem themselves by money or otherwise, until that term be fully expired. Prepare a bill for the assembly of our colony, with such clauses as shall be requisite for this purpose." No Virginia legislature seconded such malice; and in December, 1689, the exiles were pardoned.⁽¹⁾ Tyranny and injustice peopled America with men nurtured in suffering and ad-

(1) Laing's Scotland, iv. 166. Dalrymple, ii. 53. Mackintosh, Hist. of Rev. 1688. Appendix, No. ii. p. 705, Am. ed. Chalmers, 358.

versity. The history of our colonization is the history of the crimes of Europe.

Thus did Jeffries contribute to people the New World; on another occasion, he exerted an opposite influence. Kidnapping had become common in Bristol; and not felons only, but young persons and others, were hurried across the Atlantic and sold for money. At Bristol, the mayor and justices would intimidate small rogues and pilferers, who, under the terror of being hanged, prayed for transportation as the only avenue to safety, and were then divided among the members of the court. The trade was exceedingly profitable—far more so than the slave-trade—and had been conducted for years. By accident, it came to the knowledge of Jeffries, who delighted in a fair opportunity to rant. Finding that the aldermen, justices, and the mayor himself, were concerned in this kidnapping, he turned to the mayor, who was sitting on the bench, bravely arrayed in scarlet and furs, and gave him every ill name which scolding eloquence could devise. Nor would he desist till he made the scarlet chief magistrate of the city go down to the criminal's post at the bar, and plead for himself as a common rogue would have done. The prosecutions depended till the revolution, which made an amnesty; and the judicial kidnappers, retaining their gains, suffered nothing beyond disgrace and terror.⁽¹⁾

Meantime, Virginia ceased for a season to be the favourite resort of voluntary emigrants. Men were attracted to the New World by the spirit of enterprise and the love of freedom. In Virginia, industry was depressed and the royal authority severe. The presence of a frigate had sharpened the zeal of the royal officers in enforcing the Acts of Navigation. The new tax in England, on the consumption of tobacco, was injurious to the producer.

^{1683.} Culpepper and his council had arraigned a printer for publishing the laws, and ordered him to print nothing till the king's pleasure was known. And Effingham was the bearer of the royal pleasure. The best proof which Charles II. had given of his interest in Virginia, was the express instruction to allow no printing-press on any pretence whatever.⁽²⁾ The rule was continued under James II. The methods of despotism are monotonous.

To perfect the system, Effingham established a chancery

(1) Life of Lord Keeper Guilford, ii. 25—27.

(2) Hening, ii. 518. Chalmers, 545.

court, in which he himself was chancellor. The councillors might advise, but were without a vote. An arbitrary table of fees followed, of course. This is the period when royal authority was at its height in Virginia. The executive, the council, the judges, the sheriffs, the county commissioners, and local magistrates, were all appointed, directly or indirectly, by the crown. Virginia had no town-meetings—no village democracies—no free municipal institutions. The custom of colonial assemblies remained, but the assembly was chosen under a restricted franchise; its most confidential officer was ordered to be appointed by the governor,⁽¹⁾ and its power over the revenue was lost by the perpetual levy which it could not recall. The indulgence of liberty of conscience, and the enfranchisement of Papists, were in themselves unexceptionable measures; they could bring no detriment to colonial liberties. Yet Protestantism and popular liberty in that day were identified, and toleration itself was suspected, in King James. Is it strange that the colony was agitated by a party favourable to freedom? The year after Bacon's rebellion, when the royal commissioners forcibly seized the records of the assembly, the act had been voted "a violation of privilege," "an outrage never practised by the kings of England," and "never to be offered in future." When the records were again demanded, that this resolution might be expunged, Beverley, the clerk of the house, refused obedience to the lieutenant-governor and council, saying he might not do it without leave of the burgesses, his masters.⁽²⁾ The same spirit of resistance was manifested by succeeding assemblies. In 1685, the first assembly convened after the accession of James II., questioned a part of his negative power. Former laws had been repealed by the assembly; the king negatived the repeal, which necessarily revived the earlier law. It marks the determined spirit of the colonists, and their rapid tendency towards demanding self-government as a natural right, that the assembly obstinately refused to acknowledge this exercise of prerogative, and brought upon themselves, from King James, a censure of their "unnecessary debates and contests, touching the negative voice;" "the disaffected and unquiet

(1) Hening, iii. 40, 41, 550.

(2) Ibid. iii. 548. Burk, ii. 215, 236, 242, 243.

disposition of the members, and their irregular and tumultuous proceedings." The assembly was dissolved by royal proclamation.⁽¹⁾ James Collins was imprisoned and loaded with irons for treasonable expressions. The servile council imitated Effingham and King James; they pledged to the king their lives and fortunes, but the people of Virginia were more intractable than ever.^{1686.} The indomitable spirit of personal independence, nourished by the manners of Virginia, could never be repressed. Unlike ancient Rome, Virginia placed the defence of liberty, not in municipal corporations, but in persons. The liberty of the individual was ever highly prized; and freedom sheltered itself in the collected energy of the public mind. Such was the character of the new assembly, which was convened some months before the British revolution. The turbulent spirit of the burgesses was greater than ever, and an immediate dissolution of the body seemed to the council the only mode of counteracting their influence. But the awakened spirit of free discussion, banished from the hall of legislation, fled for refuge among the log-houses and plantations that were sprinkled along the streams. The people ran to arms; general discontent threatened an insurrection. The governor, in a new country, without soldiers and without a citadel, was compelled to practise moderation. Tyranny was impossible; it had no powerful instruments.⁽²⁾ Despotism sought in vain to establish itself in Virginia; when the prerogative of the governor was at its height, he was still too feeble to oppress the colony. Virginia was always "A LAND OF LIBERTY."

Nor let the first tendencies to union pass unnoticed. In the Bay of the Chesapeake, Smith had encountered warriors of the Five Nations; and others had fearlessly roamed to the shores of Massachusetts Bay, and even invaded the soil of Maine. Some years before Philip's war, the Mohawks committed ravages near Northampton, on Connecticut River; and the general court of Massachusetts addressed them a letter:—"We never yet did any wrong to you, or any of yours,"—such was the language of the Puritan diplomatists—"neither will we take any from you, but will right our people according to justice." Maryland and Virginia had repeatedly negotiated

(1) Henning, iii. 40, 41.

(2) Burk, ii. 302—306.

with the Senecas. In July, 1684, the governor of Virginia and of New York, and the agent of Massachusetts, met the sachems of the Five Nations at Albany, to strengthen and burnish the covenant-chain, and plant the tree of peace, of which the top should reach the sun, and the branches shelter the wide land. The treaty extended from the St. Croix to Albemarle. New York was the bond of New England and Virginia.(1) The north and the south were united by the conquest of NEW NETHERLANDS.

(1) Colden's Five Nations, 44, &c. Massachusetts Records, 1667.

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